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Richard Lowry on Clinton's Execrable *My Life*

NATIONAL REVIEW

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The growing movement toward ending America's irrational marijuana prohibition *by Ethan A. Nadelmann*

PLUS: *Byron York on the* **TORTURE CONTROVERSY**

John J. Miller on **KERRY'S HISTORIAN**

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NATIONAL REVIEW

JULY 12, 2004 VOL. LVI, NO. 13

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■ COVER STORY

An End to Marijuana Prohibition

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Never before have so many Americans supported decriminalizing and even legalizing marijuana. Meanwhile, the debate over ending its prohibition simmers just below the surface of mainstream politics, crossing ideological and partisan boundaries. Marijuana is no longer the symbol of Sixties rebellion and Seventies permissiveness, and it's not just liberals and libertarians who say it should be legal. *By Ethan A. Nadelmann*

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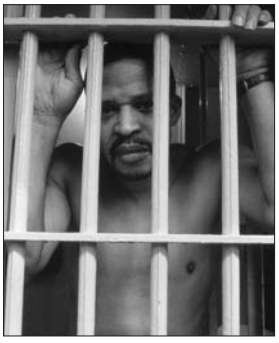
letters to the editor

INMATES IN BIBLE STUDY

As someone who has spent 30 years visiting over 600 prisons, I can readily affirm many of the observations of Eli Lehrer in his article "Justice Behind Bars" (June 14).

I was surprised, however, by his statement that "explicitly religious programs" (like Prison Fellowship Ministries' Innerchange Freedom Initiative) produced "mixed results and have high dropout rates." The University of Pennsylvania released a report last summer of a four-year study that found, among other things, that recidivism fell 65 percent among our program graduates against a control group of similar prisoners. The number of graduates re-incarcerated during a two-year period was 8 percent (the national figure is 67 percent). This study was conducted by Dr. Byron Johnson and was peer-reviewed at Harvard and Princeton. If these are mixed results, give us more of them.



As for the high dropout rates, this is inevitable in any successful program. We do not choose the inmates who come into IFI, the state does. Most of them do very well, and thus many are paroled early. The high dropout rate is not a negative, it is a positive.

An earlier study of New York prisons, recently updated by Dr. Johnson, found that just being in ten Bible-study sessions a year reduced offenders' recidivism during the first two years after release, again by two-thirds, from 41 percent to 14 percent.

This is all decidedly good news, and a strong affirmation of the success of faith-based efforts in prison.

Charles W. Colson
Prison Fellowship Ministries
Reston, Va.

ON SEX

Roger Scruton ("Perversion," June 14) provides an engaging exploration of our current ideas about sex. The central notion of "reciprocal surrender" in sex could be taken even further by acknowledging that giving oneself over to another has historically and biologically been linked with generating new life—which is the complete surrender of oneself. With the common use of birth control, the link between giving oneself completely and creating new life has been blurred, allowing us to make arguments that same-sex couples can give of themselves as completely as opposite-sex couples. A culture that only faintly recognizes the link between possible new life and each sexual act can fall into perversion and hardly realize it, so mesmerizing is the sexual drive. The increased cultural acceptance of gay marriage reflects how our society has created a context in which it is possible to conceive of a "non-objectifying" sexual act that intentionally will not bring forth life.

Robert Lee
Arlington, Va.

PATIENCE, PATIENCE

The United States became a true democracy in 1965, a hundred years after a civil war that spilled enough blood to cover Iraq. The notion that the first Arab democracy should have become a bloodless reality within a year after the fall of a brutal dictator is as wild as the belief that America can ever again live without the threat of mass murder absent a democratic Middle East.

David L. Fichter
Bronx, N.Y.

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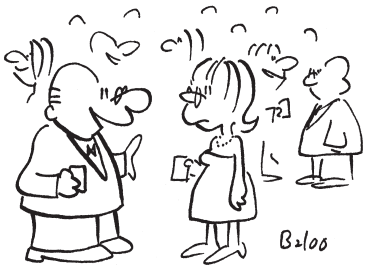

"Oh, don't ask me any math questions—I'm a social engineer!"

■ *Investor's Business Daily* poll: President **Bush** 43 percent, **John Kerry** 40 percent, **Ralph Nader** 5 percent. . . . In *The Hotline*'s survey of state polls, Kerry leads in 21 states, worth 270 electoral votes, and Bush leads in 26 states, worth 244 electoral votes (270 needed to win). . . . Bush at MacDill Air Force Base: "The future of Iraq is now coming into view. . . . No matter what the terrorists plan or what they attempt, a democratic free Iraq is on the way." . . . Vice President **Cheney** on **Saddam Hussein**: "He was a patron of terrorism. . . . He had long-established ties with al-Qaeda." . . . Cheney on media accounts of Iraq–al-Qaeda link, on CNBC: "What the *New York Times* did today was outrageous. They do a lot of outrageous things. . . . I do believe that the press has been irresponsible. . . . Sometimes it's through ignorance. Sometimes it's malicious." . . . In *Los Angeles Times* poll, 52 percent say Iraq war was "not worth it." . . . MWR poll: 57 percent say media have given "too much coverage" to abuses at Abu Ghraib prison. . . . Sen. **John McCain** (R., Ariz.): "No mountain is high enough, no cave deep enough, to hide forever from the fury of American military power when we are committing to unconditional victory, and that victory is to vanquish international terrorism—not reduce it, not change its operations, not temporarily subdue it, but to vanquish it." . . . Fox News poll: 48 percent say Bush would do better job than Kerry during "national crisis," and 34 percent prefer Kerry. On taxes, Bush and Kerry tie at 41 percent.

■ Kerry on campaigning with **Al Sharpton**, in *Chicago Tribune*: "Al Sharpton is traveling with me today because he's a friend, because he proved during the course of this presidential race that he has a great understanding of what's happening in the country and a great ability to communicate to Americans." . . . In AP/IPSOS poll, ticket of Kerry and Sen. **John Edwards** (D., N.C.) outpolls Kerry running with Rep. **Dick Gephardt** (D., Mo.), retired Gen. **Wesley Clark**, and Gov. **Tom Vilsack** (D., Iowa). . . . Gov. **Kathleen Sebelius** (D., Kan.) emerges as dark-horse contender for veep slot. . . . Kerry stepson **Chris Heinz** on veep, in *Pittsburgh Post-Gazette*: "I was very pro-Edwards in the spring. But now I think we may need someone with stronger credentials on foreign policy." . . . New Jersey union leader **William T. Mullen** on public perceptions of Kerry, in *Washington Times*: "He's our rich French guy and we got to stick with him."

■ Club for Growth poll of GOP primary voters in Colorado's Senate race: Former congressman **Bob Schaffer** leads beer-maker **Pete Coors**, 34 percent to 31 percent. . . . In July, Senate Republicans hope to hold vote on constitutional amendment banning gay marriage. . . . Sen. **Jon Kyl** (R., Ariz.), in *Washington Times*: "There's always an argument you should wait for just one more court decision—at some point you've got to move forward." . . . In Quinnipiac poll, 55 percent of New Yorkers say they don't want Gov. **George Pataki** (R.) reelected in 2006. . . . Republican pollster **Robert M. Teeter** dies at 65.

■ **Bill Clinton** on affair with **Monica Lewinsky**, on *60 Minutes*: "a terrible moral error." . . . Clinton on impeachment: "The whole battle was a badge of honor. I don't see it as a stain, because it was illegitimate." . . . Bush, at unveiling of Clinton's presidential portrait: "Over eight years, it was clear that Bill Clinton loved the job of the presidency. He filled this house with energy and joy. He's a man of enthusiasm and warmth, who could make a compelling case and effectively advance the causes that drew him to public service." . . . Unabridged audiobook of Clinton's *My Life* will require 51 hours of listening time, reports *Wall Street Journal*. . . . Clinton, in *USA Today*: "When the Berlin Wall fell, the perpetual Right in America didn't have an enemy anymore, so I had to serve as the next best thing."

■ Gov. **Rod Blagojevich** (D., Ill.) says he voted twice for **Reagan**: "We had hostages in Iran, and nothing was getting done. . . . We Americans were losing confidence in ourselves. And then here comes this guy who spoke to a lot of Democrats, who talked about hope and optimism, and was determined—and this is what I liked about him, too—was determined to shake up a system that got rusty and archaic, complacent and arrogant. And I have to say, that's an inspiring way of doing business." . . . Postal Service plans to issue **Reagan** stamp in February 2005. . . . In ABC News poll, 31 percent support putting Reagan on dime—up from 16 percent in December—and 36 percent support putting him on $10 bill.

■ Russian president **Vladimir Putin**: "After September 11, 2001, and before the start of the military operation in Iraq, the Russian special services, the intelligence service, received information that officials from Saddam's regime were preparing terrorist attacks in the United States and outside it against the U.S. military and other interests." . . . After South Korea sends 3,000 soldiers to Iraq in August, only United States and Britain will have larger troop presence.

■ **Conan O'Brien**: "Yesterday at a White House ceremony, the official portrait of President Clinton was unveiled. Apparently, Clinton's portrait is so realistic that Hillary immediately started yelling at it." **NR**

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No More Talking Around *the* School-Financing Issue

Kurt M. Landgraf,
President & CEO, ETS

Much of the public debate about school financing over the last year has focused on whether the No Child Left Behind Act is being adequately funded. It's an important question. But if our goal is fairness as well as adequacy in how we fund our public schools, then we need to get to the core of the funding issue. And that means doing away, once and for all, with the system's over-reliance on local property taxes.

For many states, that would require a sea change in public policy. Given the status quo, an overhaul is what's needed.

At the K-12 level, on average, states provide about half of the funds for public schools, with local districts contributing another 43 percent, and the federal government making up the balance. Within a district, most of a community's contributions to the school budget are drawn from local property taxes.

As a rule, the wealthier the community, the higher the property values and the more money available for students, schools and school improvement. It's a self-propelling cycle driven by a regressive tax.

It's also a social flash point that's harming education and eroding confidence in public institutions. By tying school funding so closely to local wealth, we're pitting rich against middle class against poor; urban against suburban against rural; region against region; and workers against the retired.

And taxpayer against government: Almost every state is struggling with complaints over its school-financing system. These disputes typically end up in litigation in which states are accused of violating their own constitutional requirements to provide effective, high-quality educational opportunities for all of their students.

As a result, we have a patchwork of hopelessly complex public policies that few would defend as ideal, fair or even effective in providing access to a quality education for all students.

In the weeks and months ahead, ETS will be stepping up our efforts to drive this issue closer to center stage in the public policy arena. Some have cautioned us not to do so, arguing that school financing is either too complex to examine or too politically charged to confront. In fact, it's too important an issue not to confront.

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THE WEEK

■ Well, the nation now has videotaped proof that the Clintons are sleeping together: They dozed, side by side, at President Reagan's funeral.

■ Don't lose any sleep, Muslim clerics, over the sermons you could write denouncing the recent beheadings—we don't expect them. Nor do we expect outrage from your congregants. A handful of Muslims in America, and abroad, call things by their right names. Sadly, in the funk that has settled on the religion like a moral low-pressure system, they must be called "brave" Muslims.

■ Oh, for those simple days when all we had to worry about was a president who lied under oath, obstructed justice, and placed himself firmly in contempt of a federal court. With the publication of his autobiography, *My Life*, Bill Clinton has stirred a wave of nostalgia among Democrats—nostalgia for those days when their hero smote the evil Gingrich and faced down the vicious Hyde and his band of impeachers. But Clinton is doing more than recounting heartwarming tales of battle with the GOP. He's also rewriting history to cast himself as a leader in the war on terrorism. He did everything he could, Clinton claims, to stop Osama bin Laden. Don't believe it. Don't believe, for example, Clinton's assertion, in his *60 Minutes* interview, that "there was a story which is factually inaccurate, that the Sudanese offered bin Laden to us. As far as I know, there is not a shred of evidence of that." There is, in fact, a lot of evidence that precisely such an event occurred. One might consult the *Washington Post*, from October 3, 2001, in which former Clinton officials explained why they could not accept Sudan's offer. "The FBI did not believe we had enough evidence to indict bin Laden at that time, and therefore opposed bringing him to the United States," former national security adviser Sandy Berger told the paper. Later, Clinton himself made much the same argument. And now he denies the whole thing ever happened. Some commentators have suggested that *My Life* should be called *My Lies*. They know their man.

■ At the gala premiere of the new Clinton-mythologizing documentary *The Hunting of the President*, Clinton stood before the audience and asked his old business partner Susan McDougal to come up onstage. The convicted Whitewater felon was, Clinton said, "one of my heroes." For years, McDougal has claimed that independent counsel Kenneth Starr "asked me to lie" to implicate Bill and Hillary Clinton in Whitewater crimes. But let's take one more opportunity to correct the record. Starr did not ask Susan McDougal to lie about Clinton; he asked her to *testify* about Clinton. Specifically, Starr's prosecutors asked McDougal this question: "To your knowledge, did William Jefferson Clinton testify truthfully during the course of your trial?" McDougal refused to answer, demanding that Starr and his prosecutors resign. Judge Susan Webber Wright sent McDougal to jail for contempt. She stayed there, refusing to talk, for 18 months. Then, in May 1998, Starr indicted her for criminal contempt and obstruction of justice. She still wouldn't talk. A jury deadlocked on the contempt charge and acquitted her of obstruction. Finally, in his last hours in office, Clinton pardoned the woman who refused to tell what she knew about him. In the Clinton dictionary, that's the definition of a hero.

Sharpton and Kerry are joined at the hip, campaigning together till Election Day

■ "When the Berlin Wall fell," said Clinton as he geared up for his book tour, "the perpetual Right in America"—that would be us—"which always needs an enemy, didn't have an enemy anymore. So I had to serve as the next best thing." Chew on that a little. Communism slaughtered millions, and tens of thousands of brave men died to stop it. Who compares Clintonism and the struggle to lance it with that? Who but Narcissus? If the Clinton years recapitulated the Cold War, it was, as that old Communist Marx said, history repeating itself as farce.

■ We have written before in these pages that the mainstreaming of Al Sharpton is complete. Well, now it's *really* complete.

ROMAN GENN

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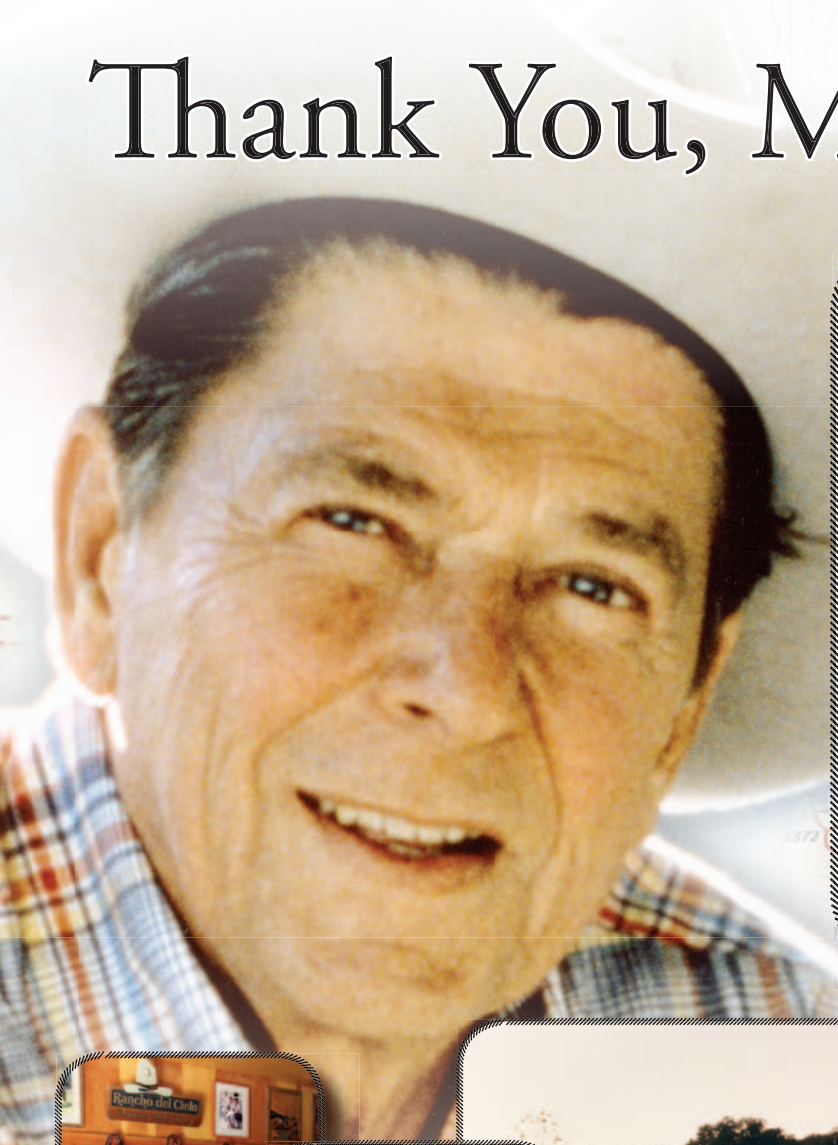
Thank You, Mr. President



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The Foundation will not cease in teaching his ideas to future generations, keeping his spirit alive, and using his beloved Rancho del Cielo, the Reagan Ranch, to instruct and inspire the leaders of tomorrow.

We will miss you, Mr. President.

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The Week...

Sharpton is stumping with John Kerry, and he is "going to campaign with me from now until Election Day"—that's what Kerry said. Kerry also said, "During the primaries, there was one person who consistently was always there, keeping the peace and the compass going in the right direction. And that was Rev. Al Sharpton." Forgotten is the Tawana Brawley hoax, in which Sharpton accused an assistant district attorney named Steven Pagones of raping and mutilating that girl. (No one had.) Sharpton proudly refuses to apologize for his defamation. Forgotten is Freddy's Fashion Mart, the incident in which Sharpton merely incited a mob to murder. (Seven people died; Sharpton had denounced "white interlopers" in Harlem.) Forgotten is all the other race-baiting, all the poison that Sharpton has emitted in the course of his glorious career. The press turns away; the Democratic party turns away, and embraces. It says something unpleasant about America that one of our major presidential nominees could link arms with such a man—and suffer no penalty whatsoever. No, the Democrats have decided that Sharpton is an asset. And the horrible truth is that they're probably right.

■ Dept. of More Than We Wanted to Know: John Kerry's wife described herself as "cheeky" and "sexy" in an interview with CBS News. You'd think that after 65 years in this world, Mrs. Kerry would have learned that "sexy" is not an adjective you use about yourself, it's an adjective you hope other people will use about you. It is not, in any case, a word that belongs in the precincts of the White House, especially after the deplorable shenanigans of the late 1990s. We commend to Mrs. Kerry's attention, and for her emulation, the dignified reticence of the current First Lady. Among our many wishes for the current campaign season, in fact, is that presidential candidates and their wives abstain from embarrassing pseudo-intimacies about "sexiness" and allied qualities. We're electing a president, not a fertility god. Al Gore can be blamed for a lot of this nonsense, with those over-the-top displays of conjugal affection he went in for with Tipper back in the 2000 campaign. *Gravitas*, please, ladies and gentlemen—this is not Brazil.

The Al Gore Show

It's rated PG; tiny tots
Flee, screaming, from the screen
When Al, like attic-bound Aunt Maud,
Makes what one calls A Scene.
The Democrats applaud, although,
With subtle signs, some send—
A finger twirling near an ear—
Hints Al's gone 'round the bend.

—W. H. von Dreele

■ In recent weeks, we have celebrated the life of a man, Ronald Reagan, who took freedom seriously and who did all he could to help freedom's friends around the world. Natan—formerly Anatoly—Sharansky, for example, testified about how much Reagan's support of him and his fellow dissidents meant to him. Reagan gave them courage; he shook and rattled their persecutors. About the time we were celebrating and remembering Reagan, the *Miami Herald* asked John Kerry about the Varela Project in Cuba. This is a bold project wherein democrats are challenging the absolute control of the regime. Kerry answered that the project was "counterproductive," because it "has gotten a lot of people in trouble." Well, yes, there is always trouble in Cuba, or in any other totalitarian state—certainly when a democrat or dissident tries to do something. One reason these people—the Sharanskys—are heroic, invaluable, and indispensable is that they take risks. And they make the most headway when people, especially leaders, in free countries support them, wholeheartedly, unswervingly, and loudly. Reagan understood that. Liberal commentators, startled at the show of love and respect for the 40th president, have hastened to say that George W. Bush is no Reagan. Kerry sure isn't.

■ The senator wants to increase the minimum wage gradually, to $7 an hour by 2007. He points out that the minimum wage has not been increased since 1996. Inflation, while low, has steadily eroded its value. But one of the reasons the late Clinton years saw so much job growth, about which Kerry now boasts, is that the effective minimum wage was allowed to decline. It is also one reason that job losses over the last few years have been smaller than in past recessions. Kerry's proposal will doubtless be popular. A Bush spokesman reacted to it by saying that the president would consider a phased increase, so long as states that thought the increase would cost them too many jobs could opt out. The opt-out is a good idea; a better idea is not to increase the minimum wage in the first place. Politicians always say they want to do something about jobs. They should at least not do things that keep markets from creating them.

■ After a prolonged corruption scandal, Connecticut governor John Rowland resigned rather than face certain impeachment by the legislature. Over the previous seven months, daily newspaper reports had revealed a greedy chief executive: There wasn't a free service he would pass up, a concert ticket he wouldn't pocket, a home improvement he wouldn't finagle, a trip he wouldn't accept, with the bills footed by his staff, state contractors, or taxpayers. Vacations, hot tubs, kitchen cabinets, furnaces, hotel stays, meals, dress shirts, a vintage car—that and more were for the taking, and indeed taken. Once upon a time, the up-and-coming John Rowland proudly bore the Reagan Republican mantle. But after his tenure in Congress in the 1980s, the three-term governor abandoned many conservative beliefs, and by the end he had swapped the Gipper for a new role model: the Grinch, consumed with swiping even the last piece of Hoo Hash. The Grinch's story had a better ending.

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President Reagan welcomes Father Gommar De Pauw to the Oval Office.
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The Week...

■ In the recent Pledge of Allegiance case, Justice Thomas tried to guide the Supreme Court's church–state jurisprudence back toward the Constitution. The First Amendment was originally understood as a federalist measure, one that protected the authority of state governments to manage church–state relations as they saw fit. Justice Thomas is not willing to go quite that far. But he sees, more clearly than any other justice, that the Court, in six decades of trying to manage church–state relations nationwide, has not so much interpreted the religion clause as repealed it. That attempt has now put the Court in an embarrassing position. Existing doctrine holds that governments cannot expose students to social pressure to acknowledge the Creator: That would be an unconstitutional establishment of religion. If so, it is hard to see how the Pledge can survive a challenge. To avoid ruling against the Pledge, the Court found that the atheist plaintiff in the case, not having custody of the daughter who was allegedly forced to say "under God," lacked the standing to bring the case. Justices O'Connor and Rehnquist thought that the plaintiff had standing but should lose on the merits: The words "under God" aren't sufficiently religious to worry about. Only Justice Thomas was willing both to acknowledge that the Pledge's reference to God is religious and to say that it is constitutional. So what happens when someone with indisputable legal standing challenges the Pledge? Will the Supreme Court find a way to duck the issue next time too? Congress should reassert its own constitutional role here, and pass Rep. Todd Akin's bill to remove the Pledge issue from the courts.

■ The Islamist government of Sudan spent two decades trying to wipe out the Christian population of its south. After international pressure forced an end to that, the government turned its efforts to wiping out the black Sufi Muslim population in its western province of Darfur. It has sanctioned Arab death squads, the Janjaweed, to rape and brand women, poison wells, and destroy crops and villages. More than 15,000 have been killed and over a million have been driven from their homes. The U.S. Agency for International Development estimates that the death toll could reach a million if the Sudanese government continues to block the delivery of food and medicines. The Bush administration is trying to prevent another genocide in Africa—with precious little help from the rest of the world. President Bush and Colin Powell have strongly condemned the attacks; Kofi Annan is not "yet" ready to accuse the Sudanese of ethnic cleansing. While Europe trades with Sudan, the United States has maintained its sanctions. We have pledged $188 million in aid for Darfur. The 25 EU countries have coughed up $14.5 million. Rebuffing pressure from the United States, the Security Council has failed to demand that Sudan call off the death squads and allow a protective force to ensure that humanitarian aid reaches the refugees. In May, Africa affirmed Sudan as its representative on the U.N. Human Rights Commission, where it serves alongside China and Cuba. Also in May, the Arab League condemned the treatment of prisoners in Abu Ghraib and Israel's operations in Gaza. There was no mention of the Sufi Muslims of Sudan. If genocide is to be avoided, we will just have to apply some more of that hated American unilateralism.

■ Even with the Cold War 15 years behind us, we should take note, occasionally, of the sheer thuggery of Communists. Have you noticed, for example, how their diplomats—"diplomats"—around the world are always pushing people around? We mean, literally. Cuban "diplomats" are infamous for their physical brutishness, and not long ago some of them attacked the democracy leader Frank Calzon—at the U.N. Human Rights Commission, no less. Now comes news that, in the words of a wire report, "the police in Hungary seized a member of the delegation of President Hu Jintao of China. The member had punctured balloons and pushed demonstrators at a pro-Tibetan rally in central Budapest, the police said. The official, who is protected by diplomatic immunity, was released after being led away from the rally." Not every Communist is a smooth, urbane, Glenn Miller-appreciating, Scotch-sipping fellow like Yuri Andropov, eh?

■ In the wake of Ronald Reagan's funeral, you heard time and time again from liberals, soberly totting up history's judgments—George W. Bush is no Reagan: no charm, no warmth, no ability to unite us as Reagan did in the Cold War. Bush's only consolation is that, a quarter-century hence, the same liberals, or their descendants, will be saying that conservative Republican President Whoever is no Bush: no rugged simplicity, no ability to unite us as Bush did in the War on Terror.

■ The push to put Ronald Reagan on the ten-dollar bill gained new force after his death. Alexander Hamilton, the tenner's current occupant, is widely visible only there, partly because he was never president, partly because New Deal historians thrashed him as a friend of the rich. Hamilton's accomplishments—writing most of the *Federalist Papers*, ghosting Washington's Farewell Address, rescuing America from banana-republic debt—deserve a memorial. But so do Reagan's. The new flexibility of our coinage—commemorating states on the quarter, and the Lewis and Clark expedition on the nickel—points the way. Perhaps Reagan could alternate with his first political hero, FDR, on the dime. Or perhaps he could be given a commemorative gold denomination (a fit tribute, considering his sporting interest in the gold standard). How about an eagle—a ten-dollar gold piece—for the Gipper?

■ The *New York Times* employs many Reagan-haters, and perhaps the most dogged is Frank Rich. Anyway, in one of his columns, he wrote, "To conservatives, anyone who opted for even modest restraint in Reagan coverage . . . was guilty of insufficient sentimentality; anyone who criticized the man was a traitor. 'Thoughtless, mean, hateful' were just some of the epithets heaped by Fox's Sean Hannity on a rare Reagan dissenter who showed his face on TV, the political cartoonist Ted Rall." Um, ladies and gentlemen, shortly after Reagan died, Rall said—wrote on his website—"I'm sure he's turning crispy brown right about now." *A Reagan dissenter*. Remember that.

■ If Madonna says it, it must be true. In between paeans to

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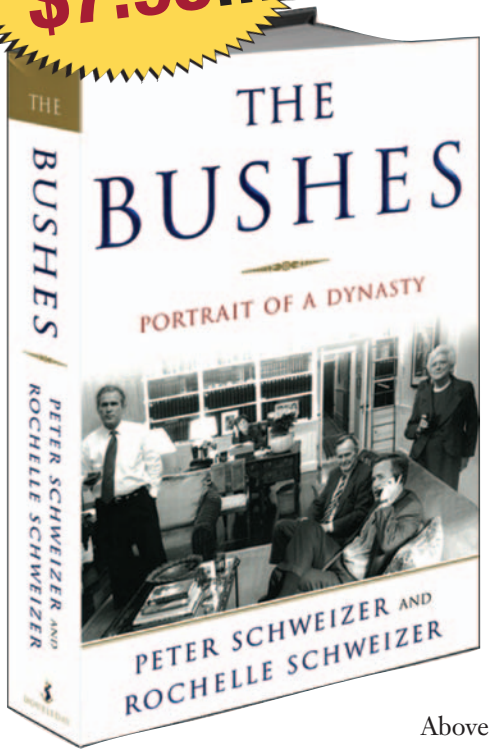

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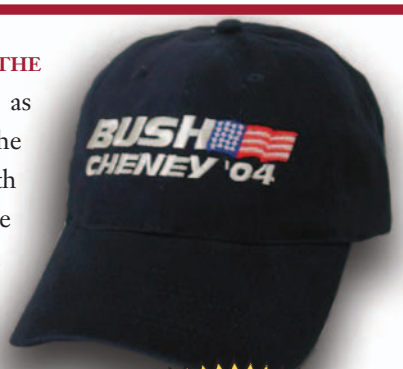

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The Week...

Kabbalah, simulated sex acts, and the occasional song, the aging diva has been telling audiences on her current concert tour that they simply must see filmmaker Michael Moore's new anti-Bush flick, *Fahrenheit 9/11*. If that's not enough to make you rush to the theaters, many, many other celebrities feel the same way. Tim Robbins, Al Franken, Glenn Close, Moby, Mike Myers—they're all fans, too. Apparently the celebrities believe that Moore's version of the War on Terror is a higher truth than the, er, actual truth. For example, while you might believe that the U.S. attacked Afghanistan in retaliation for the 9/11 attacks, they believe, with Moore, that the real reason was to prepare the way for a natural-gas pipeline across the country. Likewise, you might believe that the U.S. invaded Iraq as the next step in the war. They believe, with Moore, that the real reason was to provide new business for Halliburton. Democrats are lining up to praise the new movie and its maker. Will they find in November that endorsing such kookiness carries a political price?

■ One of the most cheering pieces of news has been the successful maiden flight of SpaceShipOne, a spacecraft entirely conceived and funded by private enterprise. Astronaut Mike Melvill, who is a veteran civilian test pilot (and 63 years old), took SpaceShipOne to a height of 62 miles above the Mojave Desert, returning safely to earth. This was a suborbital flight, equivalent to Alan Shepard's 1961 trip into space. Shepard went higher, to 116 miles; but Melvill was technically in space, and enjoyed a brief spell of weightlessness. SpaceShipOne has been four years in development. It is mainly funded by Paul Allen, co-founder of Microsoft Corp. We applaud all involved, and will watch further efforts with keen interest. There will always be business for governments to do in space, mostly of a military kind; but real, lasting progress in space travel will come when citizens and private entrepreneurs take up the challenge, discovering markets and inspiring inventions we cannot yet imagine. The newspapers reported Mr. Melvill's first utterance after landing his spacecraft and emerging from it as: "Yeeeeeeee-haaah!" We heartily echo that sentiment.

■ Among the latest recipients of the Presidential Medal of Freedom is Norman Podhoretz, for 35 years editor of *Commentary*. He started as a literary critic—a student of Trilling and Leavis—and then branched into politics, as the times seemed to demand. He made *Commentary* a magazine of great national importance. Formerly on the left—though never anti-American—he became a conservative, and a Bible scholar, to boot: In 2002, he published a book on the prophets. President Bush has done well in hanging this medal around Norman Podhoretz's neck, even as the recipient has done well by his country.

■ Ray Charles had the private life of many pop musicians: equal parts pathos and bad habits (promiscuity, addiction). His singing frequently visited the land of self-parody: He would have recorded AOL's "You've got mail" message as an R&B wail. But his great gift to America was "America the Beautiful"—his version of our simplest national hymn. Its simplicity is deceptive, for its Hallmark card meter conveys both passion and reverence. Charles found it all, and sang a version that was urgent and jubilant. Those who were lucky enough to hear him sing it at the 1984 Republican Convention in Dallas will never forget it. R.I.P.

AT WAR

Missed Connections

"Panel Finds No Qaeda-Iraq Tie" was the headline in the *New York Times* for its front-page story on the interim report of the 9/11 commission. "Al Qaeda-Hussein Link Is Dismissed" was the headline of the front-page story in the *Washington Post.* The leads of both pieces quoted the report's denial that there had been a "collaborative relationship" between Iraq and al-Qaeda, one of the Bush administration's "justifications"—the *Times* called it "central," the *Post* called it "main"—for the Iraq war. The staff of the 9/11 commission and the media enacted a form of batting practice: The staff sent an easy pitch in the middle of the strike zone, and the media rapped it out of the park. This was another intelligence failure, like WMD; Bush is a blundering boob; vote for Kerry.

Reading the whole story modifies the picture somewhat. In paragraph three, the *Post* admits that the report admits "there had been contacts between Iraq and al Qaeda," which the *Times*, in paragraph eight, describes as "repeated contacts between Iraq and Al Qaeda in the 90's." Both papers, like the report itself, deny that these amounted to collaboration, but that sidesteps the issue of possible threat. September 11 changed the strategic game board, even as it raised the stakes immeasurably for us. After 3,000 murders, anyone playing footsie with al-Qaeda, or with any terrorist gang, has to show repentance and cooperation, as Libya is professing to do, or he should live on borrowed time. The world is not a court of law.

Isn't it a little early to close the books on Saddam Hussein's Iraq, which has been gone for only 14 months, and al-Qaeda, which is still in business?

But is the commission's denial of a "collaborative relationship" accurate? Stephen F. Hayes of *The Weekly Standard*, and Edward Jay Epstein, writing in *Slate*, have detailed the reasons for thinking that collaboration occurred. The Czechs never backed down on their report that 9/11 hijacker Mohamed Atta had met an Iraqi diplomat in Prague; the CIA believes he was in America at the time of the supposed meeting, but its evidence—that Atta's cellphone was used, in America, days before he was supposed to be in Prague—is hardly conclusive. Around the world, another Iraqi, working as a greeter at the Kuala Lumpur airport, whisked two al-Qaeda operatives through security on the eve of a major al-Qaeda planning session. Historians still don't know everything about the nefarious deeds of the former Soviet Union. Isn't it a little early to close the books on Saddam Hussein's Iraq, which has been gone for

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only 14 months, and al-Qaeda, which is still in business?

The urge to do so arises from a powerful wish to prove that the problem before us is wholly criminal, not at all national or quasi-national. That would mean it is more thoroughly under our control. The Bush administration, because of its efforts to deal with a wilder, more dangerous world, rebukes the wish. Therefore it must be rebuked.

AT WAR II

Tortured Logic

INVESTIGATIONS and prosecutions are still proceeding in the matter of Abu Ghraib, and in other alleged cases of the abuse of military prisoners. The perpetrators should be punished: both those who committed the abuses and anyone who, through sins of commission or omission, bore responsibility for them. Critics of the Bush administration have, however, rushed to the judgment that President Bush, Donald Rumsfeld, John Ashcroft, and their aides encouraged the abuse. On the evidence so far, the charge is a calumny.

The chief evidence for the Bush circle's guilt is the so-called "torture memo" in which Justice Department lawyers presented an analysis of domestic and international laws against torture. A related memo from the Pentagon is also adduced as evidence. The memos argued that some harsh interrogation techniques do not count as torture: The law distinguishes between merely "cruel," "degrading," and "inhuman" treatment on one hand, and torture on the other. The lawyers argued that international treaties against torture have to be read so as not to conflict with the president's constitutional responsibilities as commander-in-chief. They suggested, finally, that a defendant charged with torture may be able to plead successfully that the torture was necessary.

The *Washington Post* editorialized of Bush's appointees, "Theirs is the logic of criminal regimes." It added, "Even on paper, the administration's reasoning will provide a ready excuse for dictators." *Post* columnist Anne Applebaum said that we should "connect the dots: They lead from the White House to the Pentagon to Abu Ghraib. . . . They don't, it is true, make a complete picture." No kidding. The lines between the dots are so far a product of the critics' will for them to exist.

The memos were attempts to determine what the law is, not what interrogators and prison guards should do. Since not everything that is wrong or unwise is also illegal, any legal analysis is going to find some things to be legal that should nonetheless not be done. The Environmental Protection Agency has to figure out what it legally can do before it decides which course of action it should take; so too those who fight terrorism.

It is possible, of course, to dispute whether the administration's lawyers got the law right. Even if they did get it right, that doesn't mean that we should be as cruel as the law allows—or that the administration ever said so. Perhaps Congress should change the law, to make it tougher on torture. But arguing that it is this tough, and not that tough, does not amount to advocating torture. And even if the dictators the *Post* has in mind are sticklers for international law, we are unlikely to get very far by pretending that we believe that international law imposes more restraints on them than we do believe.

The *Post* and other critics further contend that the administration's refusal to treat captured al-Qaeda and Taliban fighters as prisoners of war under the Geneva Conventions created an atmosphere of lawlessness. The conventions allow terrorists to be treated differently from normal combatants. The differential treatment is part of their logic. It is an attempt to draw combatants into a regime of rules by assuring them that adherence to the rules on one side will be met by adherence on the other. To treat terrorists as though they were regular soldiers who wear uniforms and carry arms openly is to subvert the purpose of the conventions, not to honor them. The driver who halts in the middle of the road, with no stop sign around, is not demonstrating his commitment to traffic laws. And the administration's critics are not proving that they are more stalwart opponents of torture than the rest of us; just more hysterical ones.

CULTURE

Ring Sing

I USED to go regularly to the opera when I was young, mostly when I was very young. At age 13 I saw Wagner's *Ring* in London, and again the following year in New York. My sisters and I were slaves to the whole business and had the luck, at one *Die Walküre*, of having Arthur Bodanzky conducting, and, singing, Kirsten Flagstad, Marjorie Lawrence, Friedrich Schorr, and Lauritz Melchior. Beat that if you can. Well, the Met made a pretty good try on April 27 with James Levine and, singing, Plácido Domingo, James Morris, Gabriele Schnaut, Lisa Gasteen, and Matti Salminen.

The Ring of the Nibelung is, of course, total-immersion time for the listener, which didn't bother Richard Wagner in the least. He was attempting, at mid-century, to immerse Europe in all his concerns, and we are reminded in the program notes that he was the single most conspicuous intellectual presence in Europe for 20 years. *Die Walküre* is the second opera in *The Ring*, and lasts about four hours. If you are bent on seeing the whole of the cycle, you will have to set aside 18 hours (excluding intermissions). Wagner wanted the whole of you for his extravaganza.

And it is not as if he had spared himself. It was nice to be reminded what the composer required of a symphony orchestra equipped to sound out his genius. There must be 16 first and 16 second violins, 12 violas, 12 cellos, 8 double basses, 3 flutes and a piccolo, 3 oboes and an English horn, 3 clarinets and a bass clarinet, 3 bassoons, 8 horns (doing unusual things), a contrabass tuba, 3 trumpets and a bass trumpet, 3 tenor-bass trombones and a contrabass trombone, 2 pairs of timpani, a triangle, glockenspiel, snare drum, bass drum, tamtam, and cymbals, and 6 harps.

The duet at the end of Act I celebrates the lovers' identification of themselves (they are, actually, twin brother and sister, and proceed to beget Siegfried), and delivers all of the profound strengths of Wagner, leaving the audience shimmering with the beauty of the whole production. It is, we ruminated with our hosts at the Metropolitan Opera Club, a narcotic, and there was no more vivid proof of this than their two other guests. They had

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flown in from London to get the whole cycle, and would return in time to hear it in London. They would strike you, if unbriefed, as, simply, a very attractive middle-aged British couple with an absolutely undeniable passion for Wagner. We would learn that one of them is a barrister, prosecutrix of the Queen, or to the Queen, or for the Queen.

Thomas Pulling, our host, does not conceal his addiction to Wagner. Wagnerians are so confident of their passion they treat almost with fond unconcern the wisecracks that have floated about over the years. Some are even quoted in the program, e.g., Baudelaire's: "I love Wagner. But even more, I love the sound a cat makes when it's hung outside a window by the tail, and it tries to stick to the glass with its claws." It's like making fun of Shakespeare—go ahead, kid, you can't hurt Shakespeare.

It does, however, repay the operagoer, at least this one, to pretty much ignore the plot of *The Ring*. Wagner's plots hold up in *Tristan* and *Meistersinger*, but are safely ignored when he is dealing with polytheistic and incestuous princelings, even if they are engaged in parlaying some of the most beautiful music ever written. James Levine was said, in the press the next day, to be tiring from the demands of his schedule. He has responded to this claim by taking on yet more engagements, indulging himself only in an inconspicuous conductor's chair which no one begrudges him, or should, and *The Ring of the Nibelung* goes on, as it will forever, never mind any theoretical biological limits to hearers' patience. When we get back to faster flight, our British aficionados might manage to take in a third or fourth *Ring* in a season ahead.

—WFB

notes & asides

■ Dear Mr. Buckley: Mr. Sparling's letter in Notes & Asides (May 17) stirred my thoughts regarding Peter Robinson's reference to "the mounting wave of dependent clauses that ends the second sentence" (in the example from your *Fall of the Berlin Wall*).

If I remember correctly the fine series of public-school language-arts teachers to whom I was assigned, "in the square-set resolution of their heads, the grimness of their expressions, and their disembodied attention to duty" is a single prepositional phrase with three objects of the preposition. What shall we call them? Perhaps three object phrases. (I clearly remember a classmate's being required to recite 25 times: "Every little preposition takes an object.")

My dictionary and my grammar book state that a clause has a subject and a predicate. But perhaps that definition has gone the way of so much else upon which we used to depend.

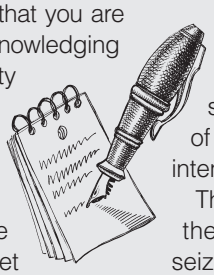
Kindest regards,
Richard Nazarenus
Newberry Springs, Calif.

■ Dear Mr. Buckley: Though I run a lumberyard in the deep South and thus am no grammarian, I nearly shot scalding coffee out of my nose this morning when I read in "The Week" (May 3) that: "There but for the grace of God, went us."

Are you not perhaps spending too much time off skiing? Just a ways down this slope you crash headlong into the dreaded: "There, but for the grace of God, go me."

No? If I am wrong, please don't print this. I would never live it down at work.

Humbly,
Len Price
Evergreen, Ala.



Dear Mr. Price: I like a lot that you are cocksure about things, acknowledging only the remote possibility that you err!

Do you? No, you're quite right about "we," although it wasn't because I was off skiing. But there are interesting things here, so let us go parsing together:

"There but for the grace of God, went us." "Went us" is a short form for "would we have gone" (to our deaths). G (God) plus A (us) gets us safe conduct in this terrorist clash.

"There will go some of us" is saying that A minus G involves us mortally in the next terrorist clash.

Now, Mr. Price, do you suppose the conditional burden ("but for") threw off the grammatical sense in this construction? I'm not sure, though I don't have Alpine air refreshing my sensibilities right now; which, with the grace of God, I'll have next winter, and will pass on afterthoughts, if there are any.

Cordially, WFB

■ Sir: I just finished your latest piece in *The Atlantic*, reflecting on the sale of your beloved sailboat. The man who went *Racing through Paradise* for me, gave me a start.

I am reminded of an article in the *Washington Post* of some 30 years ago, entitled "Little Killings"—a reflection of an aging hunter who found the pursuit of big game to be logistically more than he cared to undertake. Consequently, he took up the stalking of flies with a rubber band and paper clips, and mice with a blowgun. The old zest for the stalk, the aim, and the anticipation of the hunt returned with every bit the intensity it once had.

The point is that it is in the doing, not the scale of the endeavor, that we seize the enjoyment. So sell the yawl and get a handy little catboat with a back-friendly coaming, simple rig, and a place to stash the Bordeaux.

I would like nothing better than to hear of your dead carcass found in a drifting catboat—quite some time from now, that is.

Sincerely,
Dan Chadwick
Spokane, Wash.

Dear Mr. Chadwick: Nice analogy. What would be the equivalent reduction in, oh, listening to Bach? Or seeing Paree? Cordially,

—WFB

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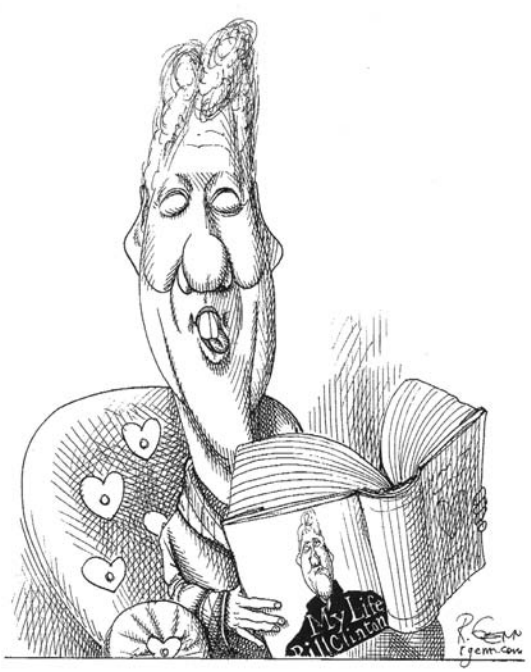

■ CLINTON ■

Song of Himself

The 42nd president weighs in

RICHARD LOWRY

IMAGINE a Clinton State of the Union address that never ends. That's *My Life*. Bill Clinton is a laundry-list author, throwing everything at us with little effort to prioritize, shape, or rise above the pedestrian. Perhaps if every paragraph of *My Life* were run through a focus group, just like the items in one of his State of the Union addresses, they would generate high approval ratings, just like the items in one of his State of the Union addresses. Who, after all, could oppose spending a few relaxing days with King Juan Carlos and Queen Sofia on the island of Majorca? Or signing a partnership agreement with Ukraine? Or proposing legislation to ban discrimination based on genetic screening? Or pushing for an IRA cease-fire? (Just to name a few, but not all, of the items on one page—759.)

If Sen. Bob Graham, notorious for his excessive diary-keeping, were to write a memoir it would be something like this. The sheer amount of material and detail make all the more incredible-seeming that ready Clinton phrase, "I cannot recall." The problem with Clinton is not his memory—it's his writing. If it tells us anything about the man, we would conclude from *My Life* that Clinton is smart, but not deep; incapable of making choices (in this case, what to include or exclude); and notably slipshod. Sound about right?

Clinton lurches in *My Life* from unrelated topic to unrelated topic with only the slightest attempts at smoothing the transitions. His transitions are sentences like, "There were several interesting developments in foreign policy in December," and "October brought two developments on the legal front," and "Around this time I announced the purchase of eighty billion bushels of wheat for distribution to poor nations with food shortages." It takes only a few pages before you want to scream for mercy, to make any deal, to be willing to debate the meaning of "is" all over again, to listen to "Don't Stop Thinking About Tomorrow" on an endless loop, anything, anything to keep from reading the most leaden words put to paper since Hillary's *Living History*.

That is not to say Clinton won't sell books. His promotion effort, of course, centered around Monica. How would Bill or Hillary ever sell books without her? She has provided the news peg for both their memoirs. Bill now has been able to double dip. He was forced to confess his affair with her back in 1998 by the stain on her dress, and even talked of how awful and inexcusable his conduct was. Now, he is basically repeating all the same lines, and it is playing as refreshing and newsworthy forthrightness. If it hadn't been for the DNA evidence, of course, Clinton might be writing in his book about this odd woman named Monica Lewinsky who had bizarre fantasies about the President of the United States carrying on with her in his hideaway office. And who are you going to believe, an intern or the president?

The newly forthcoming Clinton, supposedly willing to confront his demons, is considerably less forthright about the other women. He writes of Paula Jones, "I hadn't sexually harassed her," and leaves it at that. As far as it goes, that may be true—he might not have technically harassed her. But that doesn't mean he didn't make a gross pass at her, exactly as she alleged. Clinton doesn't explain why he was in the same hotel room with her; indeed, he doesn't even mention that he has admitted it.

Of Kathleen Willey he writes, "[She] claimed I had made an unwanted advance toward her while she was working in the White House. It wasn't true." Hmm. It wasn't true that it was an "unwanted" advance? At the time, Clinton first said he did not recall meeting her that day, then said he remembered putting his arms around her only to comfort her. In *My Life*, he doesn't elaborate.

He writes of David Brock's report on the Arkansas state troopers who said they solicited women for him, "There were some allegations in the story that could be easily disproved." Doubtless "some allegations" could have been easily disproved. But Clinton loyalist Betsey Wright told people she believed the troopers, and Clinton for some reason—

ROMAN GENN

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he doesn't discuss it here—called them and offered them jobs before the story broke.

In terms of taking responsibility, the new at-peace Bill is the same as the old How-can-I-get-out-of-this? Bill. He knew the Waco raid was a mistake, but let Janet Reno make the decision. He knew he shouldn't have asked for an independent counsel in Whitewater, but his staff insisted. Yes, he approved efforts to snatch Somali warlord Mohammed Aideed, but never, never would have approved that particular Black Hawk Down raid. He knew he should stay above the fray in the 1994 election, looking as presidential as possible, but lo and behold his staff packed his schedule with campaign events.

On the substance, *My Life* is a difficult book to rebut. How do you argue with stream of consciousness? Clinton's treatment of his economic policies is surprisingly slight. Well, maybe not so surprisingly. Once you get into the nitty-gritty of the 1990s economy—it was growing before Clinton took office, the deficit was already declining before any Clinton policies took effect thanks to the recovery, interest rates went up, not down, after the passage of Clinton's 1993 economic plan—the crude Clinton case that his 1993 plan reinvented the American economy becomes hard to credit.

The most sustained argument in the book is that Ken Starr was out of control. The appropriateness of various Starr actions is open to legitimate debate, but Starr basically acted as independent counsels are required to act by statute. If Clinton opposed independent counsels tracking down every possible bit of wrongdoing surrounding a president or cabinet member, he never should have reauthorized the independent counsel statute, which he called at the time "a foundation stone for the trust between the government and our citizens." With the exception of Lanny Davis, Clinton's scandal-defenders have refused to come to grips with the fact that he was undone by an ethical apparatus liberals themselves had created to make the lives of Republican presidents miserable.

The energy and fire Clinton devotes to impeachment—he essentially calls Newt Gingrich and Tom DeLay unpatriotic—shows that it really stings, and is not something that can be easily sloughed off as the work of fanatics. Clinton leavens his outrage with treacle: "A thirteen-year-old girl from Kentucky wrote me to say that I'd made a mistake, but I couldn't quit, because my opponents were 'mean.'" Ah, yes. That is the Clinton argument in the nutshell: Republicans are mean. Such was the nature of the times that it had a lot of resonance.

Clinton could have written a much better book. He is the best political mind of his generation. He could have written a manifesto for the Democratic party, based on his experiences reviving it. Or he could have written a blow-by-blow tactical account of his political battles, a guide to the craft, doing for politics what Henry Kissinger did for diplomacy. You get a slight glimpse of it in Clinton's account of the 1995-96 showdown with congressional Republicans, when at one point he writes of how—when better economic forecasts had brought his balanced-budget plan closer to the GOP's, thus increasing his credibility—"I was closing in on them." Hearing more about how Clinton, a cold-eyed political predator, chased down and bagged his prey in this and other instances would make fascinating reading.

But it was nasty business, and Clinton is not willing to acknowledge that. Dick Morris, the brilliant and cynical architect of Clinton's comeback, is nearly airbrushed from this account. Clinton writes of how he wanted to get along with Newt Gingrich, skating over the way he savaged him with negative advertising. He brushes off the 1996 fundraising scandal by asking, Why would I want dirty money, when I had plenty of money? But he had gotten so much money exactly by blowing by legal and ethical niceties.

My Life is more or less a continuation of the Clinton tack of the 1990s: posing as the nice guy who has not the slightest desire to be partisan, but is forced into it by haters and racists. And if you don't believe him, why he has a blizzard of initiatives to tell you about that prove his golden intentions. This worked as a short-term political strategy, but it doesn't make for much of a book. *My Life*, despite the marvelous PR roll-out, deserves to go down as another Clinton embarrassment. **NR**

■ **CAMPAIGN 2004**

The Douglas Brinkley Show

A historian who trumpets the greatness of John Kerry

JOHN J. MILLER

At around 8:30 P.M. on March 15, retired admiral Roy Hoffmann was sitting at his desk in Richmond, Va., when the phone rang. He picked up the receiver and heard a familiar voice. It was John Kerry. The two men weren't close, but they had served together in Vietnam, when the admiral was a captain and the senator a lieutenant. Kerry wanted to discuss some urgent business: the negative portrayal of Hoffmann in Douglas Brinkley's best-selling new book *Tour of Duty: John Kerry and the Vietnam War*.

"He said I'd been unfairly maligned and that he respected me and thought I was a good leader in Vietnam," recalls Hoffmann. "I told him it sure as hell doesn't look like it."

No, it sure as hell doesn't. Brinkley's book—basically an authorized account of Kerry's life through the early 1970s—portrays Hoffmann as a shameful villain who represented everything Kerry despised about the military and Vietnam. "The senator told me he hadn't even read the entire book," says Hoffmann. "He wanted to know if there was anything that should be corrected when a revised version comes out." (Kerry also may want to revise his own phone records: When Hoffmann checked the caller ID, it read "H. J. Heinz III"—the name of Teresa Heinz Kerry's first husband, the Pennsylvania senator who died in 1991.)

Kerry's offer to Hoffmann was at once strange and expected. It was strange because Brinkley, a history professor at the University of New Orleans, insists in an "author's note" that Kerry "exerted *no* editorial control on the manuscript." So why was the senator acting like a fact

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checker? But the call was no shock, because Brinkley already had phoned Hoffmann, after hearing that the admiral was telling fellow swift-boat veterans that Brinkley's account contained numerous distortions and errors. "Brinkley wanted me to cooperate in correcting the manuscript," says Hoffmann. "I refused because he had made no effort whatsoever to document his claims the first time around."

Documenting claims, of course, is not the primary purpose of *Tour of Duty*. Instead, the book serves as Kerry's campaign biography. Brinkley has an impressive résumé: He has written books on Dean Acheson, Jimmy Carter, and the Ford Motor Company. He appears regularly on TV talk shows as that rarefied species of pundit, the "presidential historian," and wrote *The American Heritage History of the United States*—a plum assignment for any professor who seeks a popular audience. But he is also passionately devoted to just about every liberal cause and cliché—and, in *Tour of Duty*, it shows.

It takes a special kind of author to claim that Kerry's private journals compare with the literature of World War I poet Wilfred Owen; Brinkley pulls it off with a straight face. He also refuses to question anything his hero does. One of the most important moments in Kerry's early career came during the medal-throwing protest against Vietnam: Did Kerry throw away his own medals and ribbons or somebody else's? Brinkley devotes just a few sentences to this controversial episode; the rest of the time he's busy hailing the young Kerry's marvelous potential. On page 62, we read of Kerry the "Kennedyite." Three pages later, there's Kerry being "Kennedyesque." And did you know that the initials of John Forbes Kerry are JFK?

The book reads like a celebrity profile from a glossy entertainment magazine, albeit an excruciatingly long one, coming in at 546 pages. It is sometimes said that journalists make lousy historians. *Tour of Duty* is a case of the exact opposite: a historian making a lousy journalist. The book bears many of the hallmarks of the ink-stained trade: It's topical, its interviews constitute a large portion of the research, and its writing took place in a hurry to meet a deadline. The book simply had to be in stores before the Democratic primaries.

Journalists at the *Boston Globe* landed the first serious blows. Brinkley claimed to have interviewed "every single one" of Kerry's swift-boat crewmates. It turns out he missed a guy named Steven Gardner, who happens to be the one fellow who is less than worshipful of his former commander. "I would have talked to Gardner, but I couldn't find him," Brinkley explained. When others did reach Gardner this spring, Brinkley scrambled to catch up. Instead of interviewing him, however, Brinkley warned Gardner against criticizing Kerry in public. Then, in an article posted on *Time* magazine's website, he accused Gardner of inventing stories and playing "politics."

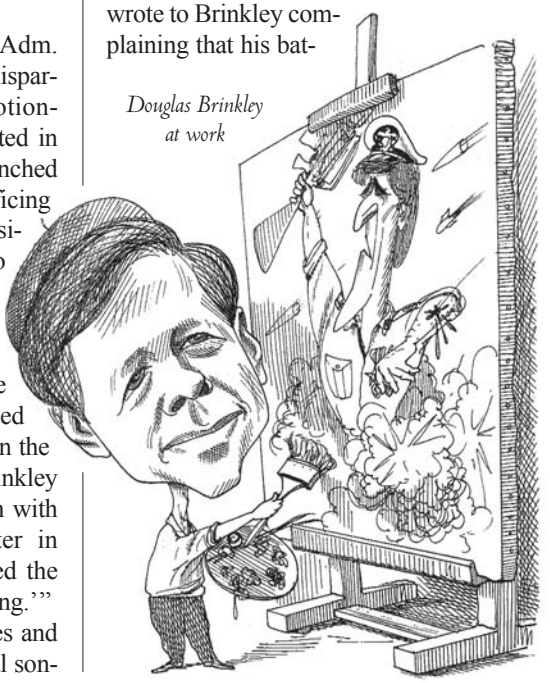
Brinkley also failed to speak with Lieutenant Commander Grant Hibbard, who made the memorable observation that Kerry won his first Purple Heart for a wound that resembled "a scrape from a fingernail." In an article for Salon.com, however, Brinkley saw fit to accuse Hibbard of "grouching" and to label him a "blowhard." The doctor who treated Kerry's injury, Louis Letson, might have been able to clear things up. In a written statement, Letson described "a small piece of metal sticking very superficially in the skin. . . . It did not require probing to find it, did not require any anesthesia to remove it, and did not require any sutures to close the wound. The wound was covered with a bandaid." Brinkley does not include any of these inconvenient details in *Tour of Duty*; for such a long book, the account of Kerry's first Purple Heart is curiously truncated.

Brinkley did manage to talk to Adm. Hoffmann for the book—and then disparaged him in its pages as a promotion-hungry naval officer who participated in outrageous "cowboy antics" and launched "ludicrous missions aimed at sacrificing the best Americans to satisfy a president's geopolitical ambitions." To drive the point home, Brinkley resorted to a stock image from Hollywood, comparing Hoffmann to "the rough-hewn colonel in the movie *Apocalypse Now* who boasted that he 'loved the smell of napalm in the morning.'" A few chapters later, Brinkley repeats himself, equating Hoffmann with "Robert Duvall's brutish character in *Apocalypse Now*, who said he liked the 'sweet smell of napalm in the morning.'"

It's impossible to read these pages and not conclude that Hoffmann is a real son-of-a-bitch—and indeed, "son-of-a-bitch" is one of the insults Brinkley hurls at Hoffmann (or, to be precise, one he chooses to quote from a source). Yet it's easy to track down a bunch of Hoffmann's old comrades who don't share this low opinion. "Hoffmann was a very strong officer," says former Navy lieutenant Robert Elder. "The *Apocalypse Now* comparisons are absurd. I don't know of anybody from Vietnam who acted like Robert Duvall." Adds former Navy lieutenant Andy Horne: "When I read *Tour of Duty* it has to be with an empty stomach."

There were so many mistakes in the initial printing of the book that its publisher, William Morrow, took the unusual step of issuing a revised version of the book in May, four months after its initial publication. Brinkley originally misspelled Hoffmann's name throughout, using one "n" instead of two. This is corrected in the new version, which is virtually impossible to distinguish from its predecessor: Both are labeled a "first edition." All of the modifications appear to be minor, and a number of spelling mistakes can be found in both books.

At least one major error remains in place. On page 439, Brinkley wrote that a member of the Army's 69th Engineer Battalion witnessed "atrocities" in Vietnam, invoking the vocabulary of anti-war protesters who believed the American soldiers were war criminals. In April, Tom Pardue, a former lieutenant in the 69th Engineers, wrote to Brinkley complaining that his bat-



Douglas Brinkley at work

ROMAN GENN

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talion never before had been accused of "atrocities." He demanded a correction. "I lost four of my men in Vietnam," says Pardue. "They can't defend themselves, and I can't remain silent." On May 5, Brinkley called Pardue and left a phone message promising that the book's new edition would remove the word "atrocities." But this change was not made—page 439 in the new edition is a carbon copy of the old one. (Pardue played me a tape recording of Brinkley's phone message; Brinkley refused all requests for an interview.)

The fundamental problem with *Tour of Duty*, however, goes far beyond botching a few names or dates or words. Brinkley gets the *big* story wrong. Take the case of the Winter Soldier Investigation, the hearings convened by anti-war protesters to publicize the supposed war crimes of GIs. Kerry relied on those hearings to support his infamous Senate testimony of 1971; Brinkley describes the Winter Soldiers as "gallant" and their testimonies as "unsettling." He approvingly cites a reporter who recoiled from "the very commonness, the quotidian character of atrocity." The only complication is that the claims of the Winter Soldiers have been roundly discredited. Even the *New York Times* has noted that a number of the anti-war veterans "turned out to be frauds." Yet Brinkley, who didn't hesitate to lambaste Steven Gardner as a con artist, fails to question their trustworthiness. His only criticism of their publicity stunt is that it didn't receive the mainstream press attention its organizers had craved.

As a TV regular, Brinkley himself is no stranger to publicity. But he apparently aspires to be something more: the court historian of the Kerry administration, just as Arthur M. Schlesinger Jr. was for JFK. *Tour of Duty* can be interpreted as Brinkley's job application, and it shows him ready for the assignment, which does not involve recording history dispassionately so much as defending the court against critics, all the while projecting the image of a fair-minded academic who is the lucky witness of great events.

On January 22, right after Kerry's triumph in Iowa, *Tour of Duty* was hot off the press. Brinkley appeared on CNBC. "I think he'd make a first-rate president," the historian said of Kerry. Then he thought better of such blatant advocacy. "I'm not endorsing anybody, though." Of course not. **NR**

■ **BRITAIN**

UKIP, They Pick

The meaning of a conservative party's recent strong showing

JOHN O'SULLIVAN

PRIME MINISTER Tony Blair, Tory politicians, and political pundits were all "reeling," as the tabloids say, from the British results of the European elections and, in particular, from the almost vertical rise of the United Kingdom Independence Party. UKIP had won only 1.5 percent of the national vote in the 2001 general election. Even under the proportional representation used in the European elections, small parties usually poll in the low single digits. And UKIP had been caricatured by its opponents as a kind of Ealing-comedy political party—all squires, vicars, tarts, and assorted eccentrics fighting the election as a jolly good lark.

As it happened, the joke was on the Big Battalions. UKIP scored 17 percent of the popular vote and won twelve seats in the European Assembly. That put it ahead of the Liberal Democrats, Britain's long-established third party, and only five points behind Labour, which, with 22 percent of the total vote, delivered the party's worst electoral performance since the 1920s. It was the Tories, however, who were most damaged by UKIP's rise, even though they came out on top of the poll with 27 percent of the vote and won the largest number of seats. That was a decline of over 10 percent in votes and a loss of seats at a time when the Tories, uniting under an effective new leader in Michael Howard and facing an increasingly unpopular government, should be gaining ground. What gives?

Maybe the Tories should have read an article in the September 2002 British monthly magazine *Prospect*, in which this very possibility was forecast, together with an explanation, as follows:

> In 2001, the United Kingdom Independence Party won only 1.5 per cent of the national vote—and 2.5 per cent on average of the votes in the seats they contested in the Tory heartland. But that was a high percentage for a fourth party in Britain and the UKIP vote will rise if the Tories prove half-hearted in defending British identity and institutions.
>
> And there are some signs of this. As well as shrinking from a fight over Europe, the Tories have also been reluctant since the election to raise such issues as crime, immigration and asylum seekers. This seems to be part of their attempt to shed an image that is alleged to be racist and intolerant. But they may also believe these to be issues of the past when, in reality, they are the issues of the future.

Why were such warnings—and let me admit to being this particular Cassandra—not taken seriously or acted upon? The answer will be familiar to conservative Republicans. Party strategists argued that those voters who were concerned about such issues had "nowhere else to go." To emphasize them too strongly would risk driving away moderate voters by making the Tory party seem extreme, eccentric, wild-eyed, loony—take your choice. Best to let sleeping Dobermans lie.

Such arguments did not always deter the party from adopting policies that sensibly addressed these issues. Until recently it had allowed itself to be outflanked on the right over immigration and "National Question" issues by Labour's home secretary, David Blunkett. On Europe, however, the Tories have opposed the draft European constitution, British entry into the euro, and indeed any further integration into a federal European state. Even when they adopted such policies, however, they tended to play them down, to concentrate on other topics such as the state of public services, and to refrain from exploiting scandals resulting from EU regulations. One journalist—Christopher Booker, in the *Sunday Telegraph*—has done more than the entire Tory party to demonstrate the extent to which EU regulations have destroyed small local businesses in Britain.

In effect, Tories positioned themselves politically as the Middle Ground between Euro-federalists and those who were bitterly hostile to the European Union. That seemed shrewd in Westminster. It enabled

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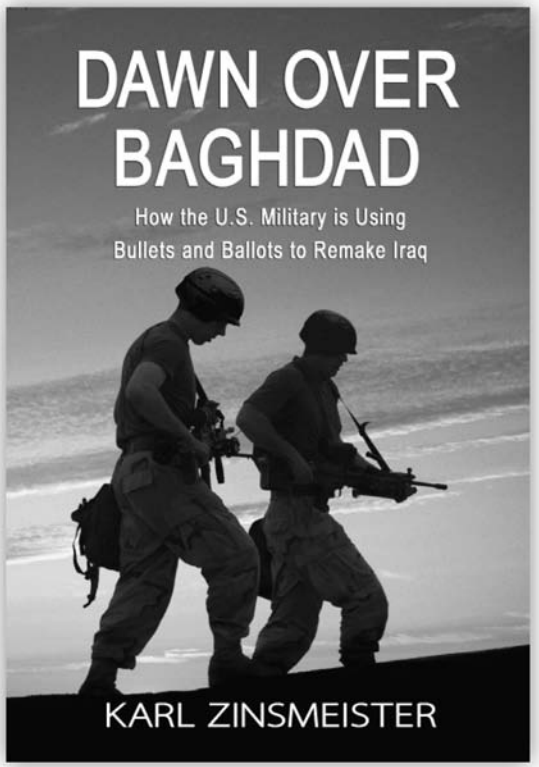

A year ago, Karl Zinsmeister was embedded with the 82nd Airborne during combat operations in Iraq. Early in 2004, he re-embedded with U.S. forces to get a ground level look at the occupation. For several months, he accompanied our soldiers as they moved through urban hotspots, rural villages and guerrilla strongholds. *Dawn Over Baghdad* is his dramatic first hand account of how our troops are choking off a terrorist insurrection at the same time that they are reconstructing a new and different Iraq.

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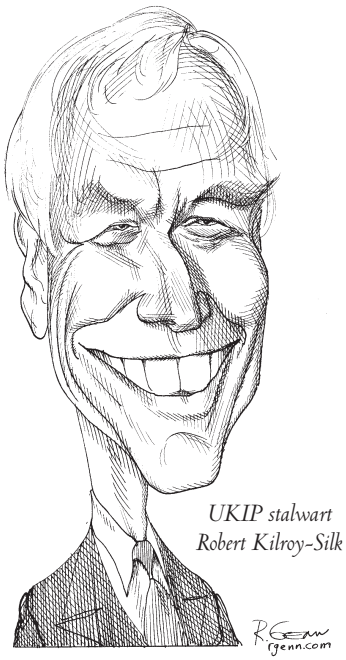
the Tories to sedate their small but noisy Europhile minority in Parliament and prevent the party from dividing in public—conventional wisdom holds that divided parties never win. What they had not noticed was that a growing number of grassroots Tory supporters were bitterly hostile to the EU as it became increasingly centralized, bureaucratic, interventionist, and—as it sought to extend its reach into foreign and defense policy—overweening. In order to prevent the party from dividing in Parliament, the Tories were risking its division at the grass roots.

Like conservative parties elsewhere, the Tory party is a broad coalition that brings together three electoral blocs: free-market conservatives, moral traditionalists, and patriots. Parties that obtain support from all three groups generally win elections; if they lose even one group, the Left slips into power. And on several issues, Tories were quietly but firmly dissing their nationalist supporters.

It is hard to imagine they hadn't noticed the fate of other parties abroad that had adopted the same approach. To quote my *Prospect* article again:

> In recent years, mainstream conservative parties have lost the support of nationalist voters throughout the West. Indeed, very often they have rejected such support in order to reassure "modernising" elites that they were untainted by xenophobia. As a result, in a large number of countries, new parties have sprung up to appeal to these scorned groups on such issues as crime, immigration and loss of sovereignty to supra-national bodies. A brief list of these parties illuminates the danger to mainstream parties: the Reform party in Canada, the Progress party in Denmark, Pim Fortuyn's party in the Netherlands, the National Front in France, the New Zealand First party, the One Nation party in Australia, the Freedom party in Austria, the National Alliance in Italy, and on and on. Their votes range from about 8 per cent (Australia) to almost 30 per cent (Austria).

Most likely they assumed that they were immune to this contagion, that there was no credible nationalist challenger in the wings, and that therefore their traditional supporters had "nowhere else to go." But the constellations were aligning against the Tories. UKIP was in the wings, exactly the kind of party that might appeal to nationalist voters in Britain—that is, one untainted by neo-fascism and with a very British (actually very English) flavor of good-natured eccentricity. It had a simple slogan—No to Europe—that appealed to the central grievance of the discontented Tories. It had attracted a wide range of public figures as candidates and supporters—Joan Collins, several Tory peers, and Robert Kilroy-Silk, a former Labour MP who had left Parliament to become Britain's own Phil Donahue—who ensured it massive and generally



UKIP stalwart Robert Kilroy-Silk

favorable publicity. The European elections were a secondary occasion when even very committed Tories might feel that a little mild rebellion would be good for the country. And then UKIP's leader met Dick Morris on a Mediterranean cruise and persuaded him to craft UKIP's simple but highly effective election strategy.

UKIP has now gained critical mass. Those Tory activists who decided to switch to it for this one election—and Tory MPs report that their local officials deserted to it *en masse*—will now be having second thoughts about rejoining their old loyalty. Yet if it gains even 4 percent in the British general election, it will probably disable the Tories and keep victory from their grasp for several elections to come. Britain would then have a divided Right, along similar lines to those countries listed above.

That is not, of course, a permanent condition. Several astute political leaders have overcome such divisions and shaped a broad-based conservative church that has gone on to win elections. In recent years, Gianfranco Fini has transformed the National Alliance in Italy from a neo-fascist clique into a broad social-conservative party and a member of the governing coalition. Aznar in Spain made the Popular party, which had been held back by its Franco-ist connections, into a respectable (and highly successful) party of government. In Hungary Viktor Orban consolidated a conservative coalition around his own Fidesz party and, having already had one successful period in government, is poised to regain power in the next election. And to our north, Stephen Harper of the Canadian Alliance forged a merger with the Progressive Conservatives to form the Conservative party that may well emerge from the June 28 election as the largest party. All four leaders achieved this by, among other means, winning back those patriotic and nationalist voters other conservatives had disdained.

It is better to avoid divisions, however, than to solve them afterward. In Britain the Tories must now set out to persuade their discontented members before the next election that they are the only real and effective independence party for Britain. Given that the Tories are firmly opposed to the euro and the proposed constitution on grounds of national sovereignty—and since they were the largest party even in the Euro-elections—that claim is a fair one. But if it is to be heard, it will have to be presented boldly and perhaps at some cost in party unity at Westminster.

As for the U.S., the Republicans have ignored the same patriotic voters in recent years. They were won back by President Bush's bold leadership after September 11, which partly explains the GOP surge in November 2002. But no effort was made to consolidate that passing mood into a permanent political commitment. And such voters have been deeply angered since then by the president's proposed immigration reforms that amount to an open door with a welcome mat outside it.

If Republicans think that they are immune to voter rebellions and third-party challenges on such issues—remember, that is exactly what the Tories thought until June 13. **NR**

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■ PUBLIC POLICY

The Abortion Distortion

What the 'pro-choice' people have done to law, medicine, and language

SHANNEN W. COFFIN

THE legal battle in three separate federal trials that have followed President Bush's signing of the Partial Birth Abortion Ban Act in November 2003 illustrates how the abortion-rights lobby perverts the law, co-opts the medical profession, and debases the very language we speak. By controlling and distorting the debate in these ways, abortion advocates hope to prevent the American public from learning the stark truth about abortion practices—especially the abhorrent partial-birth method, in which a doctor delivers a living child until its legs and torso are hanging outside the mother and then pierces the child's skull with a sharp instrument and vacuums out its brains.

Even before the act was signed into law, lawyers for Planned Parenthood, the ACLU, the Center for Reproductive Rights, and the National Abortion Federation filed suit in federal courts in New York, Nebraska, and San Francisco, arguing that it was unconstitutional. On June 1, Judge Phyllis Hamilton entered an injunction in the San Francisco case permanently prohibiting the enforcement of the statute against doctors and clinics affiliated with Planned Parenthood. (The separate Nebraska and New York decisions are expected in late summer or early fall.)

Mr. Coffin, a Washington, D.C., lawyer, is a former deputy assistant attorney general for the civil division of the Justice Department. In that capacity, he coordinated litigation in the three recently concluded trials defending the partial-birth-abortion ban and argued the position of the government in *Northwestern Memorial Hospital* v. *Ashcroft*.

To support their arguments in these three cases, pro-abortion groups offered the sworn testimony of doctors from abortion clinics and major hospitals, who asserted that partial-birth abortion was medically necessary to protect the health of women with certain medical conditions or whose unborn children suffered certain developmental "anomalies."

In order to test these doctors' claims, government lawyers served subpoenas on the hospitals where the testifying doctors performed abortions, seeking medical records relating to those abortions. Sensitive to the need to protect the identity of the doctors' patients, however, the government said that the hospitals could delete any identifying information (name, address, age, etc.) about the women involved in the abortions. The hospitals still refused to produce the documents and, employing a variety of absurd legal theories, went to court to prevent their release. Northwestern Memorial Hospital in Chicago, for instance, argued that the records could not be released because they were privileged from disclosure under both state and federal law. This claim was belied by the numerous contexts in which the government regularly receives medical records in federal lawsuits (such as disputes over Medicare billing by a hospital). Nevertheless, a Chicago lower-federal-court judge agreed with the hospital, based in part on a hitherto unrecognized federal "abortion records" privilege.

The government appealed, sensibly arguing that federal judges should not invent new protections peculiar to abortion records and that, in any event, the federal medical-privacy law—known as HIPAA—did permit the release of anonymous medical records in this lawsuit. The United States Court of Appeals agreed with the government that the lower court had both misread federal-privacy law and had wrongly created a federal "abortion" privilege. By sleight-of-hand, the court nevertheless prevented the government from obtaining the records by concluding that a privacy right of an unspecified origin outweighed what the judges considered to be the marginal relevance of the documents.

This decision is extraordinary for several reasons. First, the appeals court concluded that this mysterious "privacy right" protected abortion records but not other medical records. That privacy right—though not recognized by Congress in HIPAA—derived, according to the court, mostly from the sensitive nature of a woman's abortion decision, as if this decision were somehow deserving of greater legal protection than the myriad other difficult medical decisions a human being makes in a lifetime. Second, although numerous other courts had previously concluded that privacy rights were not affected when patients' names and other identifying information were removed from medical records sought in lawsuits, this court reasoned that no amount of ID-scrubbing could stop this alleged invasion of privacy. Finally, the court demanded that the government satisfy a heightened standard of relevance never before seen in the law. Indeed, when questioning a Justice Department lawyer about the government's need for the documents, one federal judge skeptically asked: "And on this the fate of the Republic hinges?"

Nor has the law alone been suborned to the needs of the abortion lobby. The medical academy and the practice of medicine have been drafted as well. In June 2000, when Nebraska's partial-birth-abortion ban was upheld by the Supreme Court, one of the most serious pieces of evidence to show that this abortion method had no medical value was that it was not taught in any medical school. Since then, major medical schools, such as Northwestern, Columbia, and Cornell, have added partial-birth abortion to their clinical teaching. The support by those schools of the most extreme method of abortion doesn't stop there, however. Faculty at the same schools lined up to challenge the federal ban in court, testifying that partial-birth abortion was "fantastic" and "a miracle."

Despite the apparent contradiction, the medical establishment has gone to great lengths to defeat any laws designed to protect human life by regulating abortion and its methodology. The American College of Obstetricians and Gynecologists, an otherwise esteemed group of practitioners, weighed in against legislation banning partial-birth abortion in a "policy statement" provided to Congress. In it, ACOG concluded that partial-birth abortion "may be" the most appropriate method in certain circumstances, even though the group could not identify any such circumstances. That finding speaks not to the medical

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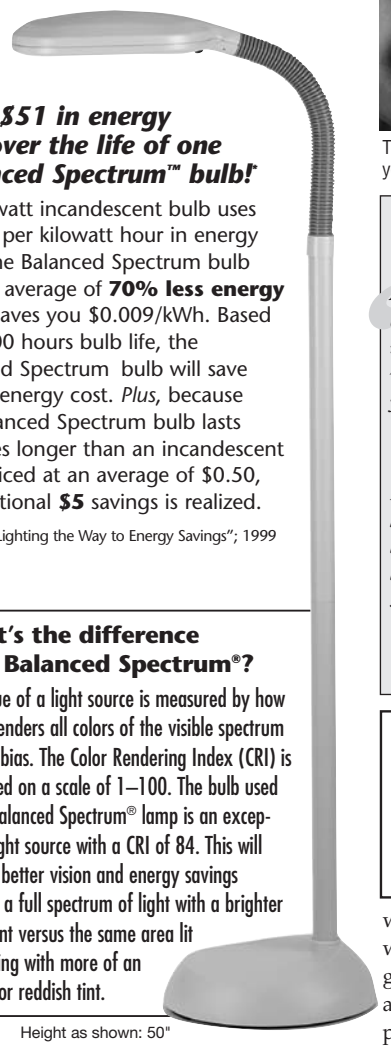

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experience of ACOG's members, but to the politics of its leadership.

This politics-disguised-as-medicine approach to the abortion debate is especially disturbing when coupled with tactics of intimidation that would make Tony Soprano proud. The few doctors who have regularly testified in favor of the abortion ban know the marginalization in the medical community that comes with dissenting from abortion ideology. When reaching out to potential witnesses, government lawyers learned of the professional intimidation suffered by those doctors who considered testifying. Doctors were told by superiors and colleagues that it would not be in their best professional interests to cooperate with the government. As one government witness testified at trial, "I wouldn't view it as a career-enhancing move, being here today."

For all the perversion of law and of medicine, the most transparent distortion is found in the language the abortion industry uses to shield itself from public scrutiny. Supporters of abortion rights can never bring themselves to admit that their opponents are "pro" anything, and consequently label the pro-life movement "anti-choice." At the same time, abortion advocates will tell you that they are not "pro-abortion" at all. Instead, they believe in the "freedom to choose," as if that choice had nothing to do with the fate of a human life.

When it came to the partial-birth-abortion lawsuits, the manner in which the proponents of abortion spoke in defense of the "procedure" was telling in its clinical sterility. Lawyers for the National Abortion Federation and Planned Parenthood avoided certain terminology to a point that would be comical were it not so serious. When questioning one of the plaintiff doctors about her views on the abortion technique, one National Abortion Federation lawyer accidentally referred to the practice as "partial-birth abortion," but quickly corrected himself by substituting the medical terminology regularly used by the abortion lobby ("intact dilation and evacuation"), which prompted this response from the judge: "You won't get sick if you say the words."

More disturbing, however, was the cold manner in which practitioners of partial-birth abortion described how they accomplished their objective of killing the unborn child. Careful to avoid admitting that they crushed the partially born infant's skull and removed the brain, doctors instead testified that they "reduced" the "fetal calvarium" to allow "completion of delivery." One doctor testified that in performing the abortion he "separated" the "fetal calvarium" from the body, which, one must admit, does sound less disturbing than "decapitated a partially born child with a pair of scissors." Doctors, describing the most common mid- to late-term abortion method, in which an unborn child is pulled apart piece by piece, spoke of "disarticulation," but avoided any mention of "dismemberment," since that might discomfort middle-of-the-road abortion-rights supporters.

The war of words is important in the struggle over abortion rights. Doctors who have performed thousands, if not hundreds of thousands, of abortions among them testified in horrifying detail to the manner in which they bring about "termination of pregnancy." One said that his objective was to "safely and efficiently empty the uterine cavity, rendering the woman unpregnant." By using terms like "unpregnant," "evacuating the uterus," or "disarticulation of the fetus," these doctors succeed in concealing the fact that they are in the killing business. But just as sterile, clinical language can protect and preserve abortion, language—plain and simple language—can expose the truth of these abhorrent practices, as one of the Justice Department lawyers eloquently demonstrated in his closing arguments. In answering the charge that having a ban on partial-birth abortion was like having an "elephant in the room" when a doctor is performing an abortion, he responded that there is no "elephant in the room. . . . There is a baby."

With the assistance of an informed public, the practices of law and medicine can likely recover from the last 30 years of distortion. First, though, the pro-life movement has to recapture the language. At the recent "March for Women's Lives" in Washington, D.C., supporters of abortion rights, when confronted with the most ardent of their political opposition, chanted, "Lies! Lies! Lies!" But as the recent legal battles demonstrate, the abortion-rights movement is not afraid of distortion of the truth, but of the truth itself. NR

■ REAGAN

Final Scene

A service at the National Cathedral

MATTHEW SCULLY

A FEW days before the state funeral for Ronald Reagan, some of his old aides were talking up an idea they thought would show just the right spirit: They proposed that at noon on June 11, as services began at Washington National Cathedral, the flags then at half-mast across America and the world be dramatically raised again. This would symbolize the new beginning President Reagan gave our country, and that optimism for which we should all remember him. It was a case of carrying the good cheer one step too far, though, and happily nothing came of this little inspiration. This was a day for accepting the end of things, and with full honors saying goodbye to, as the opening prayer put it, "our brother Ronald."

Settling in at the cathedral, I had a fine view of the five American presidents seated up front—our brothers Jerry, Jimmy, George, Bill, and George W.—and it was touching, throughout the service, to see them singing along with the hymns and praying for one of their own. In the spirit of the day, I found myself admiring former President Carter in particular, this good Christian man who at 79 still teaches Sunday school, and who, I suppose, was doing his works of charity long before anyone outside of Plains ever heard of him. Some pleasantries with Al Gore, by chance seated directly in front of Karl Rove, confirmed my impression of a serious man who still lives under a serious burden—although on this day, as on the day he conceded in December 2000, he carried it with a dignity that deserves our respect. You could see Bill Clinton's good side, too, in the slightly boyish, deferen-

Mr. Scully is a speechwriter for President Bush and the author of *Dominion: The Power of Man, the Suffering of Animals, and the Call to Mercy.*

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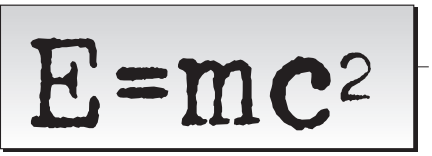

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Richard Wolfson (Ph.D., Dartmouth College) is Professor of Physics at Middlebury College in Vermont. Decades of teaching at Middlebury, with its strong emphasis on the humanities, have made him an expert at demonstrating the logic and significance of physics to students from many fields. His writings have appeared in *Scientific American*. He is author of *Physics for Scientists and Engineers*.

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tial air he displayed while speaking to Gerald Ford, a man born in the first year of the presidency of Woodrow Wilson—whose mortal remains rest in that very cathedral—and now in the twilight of his own good life.

The funeral itself had all the elegance, beauty, and heartbreaking moments one would expect from the combined wisdom of Mike Deaver and centuries of Anglican tradition. A congregation of 3,800 or so stood on hearing the faint sounds of "Hail to the Chief" and the Navy Hymn from outside, followed by the tapping of a shepherd's staff carried by the Right Reverend John Bryson Chane, bishop of Washington, and the prayer of reception read by the Reverend and former Senator John Danforth. In the program, the military pallbearers were described as "securing" the casket, and that word perfectly captures the firmness and control of their every step toward the altar and waiting catafalque. They moved just slightly faster than one would have expected, too—perhaps, as I took it, as a sign of being unafraid before death. High-church rituals, I confess, are usually wasted on me, but all of this was truly impressive and beautiful.

High-church rituals are usually wasted on me, but all of this was truly impressive and beautiful.

Mrs. Reagan, escorted by Major General Galen Jackman, looked as we all saw her throughout the week—graceful and brave and afraid. And watching her with Michael, Ron Jr., and Patti brought to mind that period in the 1980s when some of the children were hardly on speaking terms with their parents. At the time, it was politely assumed even among admirers that, at a certain point in his life, Ronald Reagan simply had bigger business in the world than the ordinary duties of fatherhood. Yet from Michael we heard about the father who wrote him sensitive and wise letters, and who, from the day he adopted the boy in 1945, never once called Mike his adopted son, but only his son. From Ron Jr. we heard about "the most plainly decent man you could ever hope to meet." And in a *Newsweek* remembrance by Patti, who showed a special sweetness this week as she tended to her mom—and who has become a lovely writer—we read of the future president who found time to help his little girl care for wounded birds in their backyard.

Whatever passed between the children and their parents, something drew them all back together, and President Reagan would have been very proud of the loyalty and love they've shown in these last few years.

It came time for eulogies, and how characteristic of former President Bush, in his brief remarks, to remember Maureen Reagan, who is "home safe now with her father." His son the president struck a wistful tone: "We know, as he always said, that America's best days are ahead of us, but with Ronald Reagan's passing some very fine days are behind us, and that is worth our tears." Brian Mulroney, the former Canadian prime minister, delivered a manful "au revoir," and Margaret Thatcher, present but for health reasons speaking on videotape, gave us this concise account of how the Cold War ended:

> He won the Cold War, not only without firing a shot, but also by inviting enemies out of their fortress and turning them into friends. . . . Yes, he did not shrink from denouncing Moscow's "evil empire." But he realized that a man of goodwill might nevertheless emerge from within its dark corridors. So the president resisted Soviet expansion and pressed down on Soviet weakness at every point until the day came when Communism began to collapse beneath the combined weight of these pressures and its own failures. And when a man of goodwill did emerge from the ruins, President Reagan stepped forward to shake his hand and to offer sincere cooperation. Nothing was more typical of Ronald Reagan than that large-hearted magnanimity—and nothing was more American.

As we listened to Thatcher's stirring tribute, you could look across the aisle and see her seated next to Mikhail Gorbachev, who if he looked around could see within a few pews Chancellor Gerhard Schroeder of a united and democratic Germany, former Polish president Lech Walesa, former Czech president Vaclav Havel, and former Soviet prisoner Natan Sharansky. I'm still not sure that he quite understands how it all ended for him—Gorbachev told the *Washington Post* that it's "not serious" to suggest that Ronald Reagan won the Cold War, and that really "we" won, all of us, when the Cold War ended. But no need to press the point: When you have the seventh and last chairman of the Supreme Soviet of the USSR and general secretary of the Central Committee of the Communist party sitting in a Christian cathedral in America paying tribute to Ronald Reagan, and undoubtedly meaning it, no further explanation is required.

The "Battle Hymn of the Republic" and "Amazing Grace" signaled the end of the remembrances and the approach of the final farewell and commendation. One always dreads that part of funerals, because that is the whole point of funerals, but here, at least, all knew that we were seeing off a man who had lived not only a long life but a complete life, a gracious and gallant soul who himself never seemed to have much trouble with farewells.

I remember seeing him leave the White House for the very last time, in January 1993, after receiving the Medal of Freedom from his successor. He stopped at the car waiting on the South Lawn driveway, turned around, and for a moment or two gazed up at the mansion. A White House photographer standing nearby said to him, "One last look, Mr. President?" He gave one of those little tilts of the head and answered, "One last look," and with that turned back and went his way.

There was likewise no lingering in the departure ceremony at the cathedral, but only a confident going forth. We heard muffled drums from the Marine Orchestra, then a riveting hymn, "The Mansions of the Lord," as the pallbearers reappeared to collect the body for burial that night in California. And then off he went, as soon as Reverend Danforth had spoken the words: "Into thy hands, O merciful savior, we commend thy servant Ronald. Acknowledge, we humbly beseech thee, a sheep of thine own fold, a lamb of thine own flock, a sinner of thine own redeeming. Receive him into the arms of thy mercy, into the blessed rest of everlasting peace, and into the glorious company of the saints in light." **NR**

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AN END TO Marijuana Prohibition

The drive to legalize picks up

ETHAN A. NADELMANN

NEVER before have so many Americans supported decriminalizing and even legalizing marijuana. Seventy-two percent say that for simple marijuana possession, people should not be incarcerated but fined: the generally accepted definition of "decriminalization." Even more Americans support making marijuana legal for medical purposes. Support for broader legalization ranges between 25 and 42 percent, depending on how one asks the question. Two of every five Americans—according to a 2003 Zogby poll—say "the government should treat marijuana more or less the same way it treats alcohol: It should regulate it, control it, tax it, and only make it illegal for children."

Close to 100 million Americans—including more than half of those between the ages of 18 and 50—have tried marijuana at least once. Military and police recruiters often have no choice but to ignore past marijuana use by job seekers. The public apparently feels the same way about presidential and other political candidates. Al Gore, Bill Bradley, and John Kerry all say they smoked pot in days past. So did Bill Clinton, with his notorious caveat. George W. Bush won't deny he did. And ever more political, business, religious, intellectual, and other leaders plead guilty as well.

The debate over ending marijuana prohibition simmers just below the surface of mainstream politics, crossing ideological and partisan boundaries. Marijuana is no longer the symbol of Sixties rebellion and Seventies permissiveness, and it's not just liberals and libertarians who say it should be legal, as William F. Buckley Jr. has demonstrated better than anyone. As director of the country's leading drug-policy-reform organization, I've had countless conversations with police and prosecutors, judges and politicians, and hundreds of others who quietly agree that the criminalization of marijuana is costly, foolish, and destructive. What's most needed now is principled conservative leadership. Buckley has led the way, and New Mexico's former governor, Gary Johnson, spoke out courageously while in office. How about others?

Mr. Nadelmann is the founder and executive director of the Drug Policy Alliance (www.drugpolicy.org).

A SYSTEMIC OVERREACTION

Marijuana prohibition is unique among American criminal laws. No other law is both enforced so widely and harshly and yet deemed unnecessary by such a substantial portion of the populace.

Police make about 700,000 arrests per year for marijuana offenses. That's almost the same number as are arrested each year for cocaine, heroin, methamphetamine, Ecstasy, and all other illicit drugs combined. Roughly 600,000, or 87 percent, of marijuana arrests are for nothing more than possession of small amounts. Millions of Americans have never been arrested or convicted of any criminal offense except this. Enforcing marijuana laws costs an estimated $10-15 billion in direct costs alone.

Punishments range widely across the country, from modest fines to a few days in jail to many years in prison. Prosecutors often contend that no one goes to prison for simple possession—but tens, perhaps hundreds, of thousands of people on probation and parole are locked up each year because their urine tested positive for marijuana or because they were picked up in possession of a joint. Alabama currently locks up people convicted three times of marijuana *possession* for 15 years to life. There are probably—no firm estimates exist—100,000 Americans behind bars tonight for one marijuana offense or another. And even for those who don't lose their freedom, simply being arrested can be traumatic and costly. A parent's marijuana use can be the basis for taking away her children and putting them in foster care. Foreign-born residents of the U.S. can be deported for a marijuana offense no matter how long they have lived in this country, no matter if their

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PHOTO: MARTIN COHEN

PATIENTS TO FEDS: "Hands off our medical marijuana." The Court agrees -- it's up to the states.

On September 23, 2002, Mike and Valerie Corral's medical marijuana hospice near Santa Cruz, California, was raided just before dawn by federal agents. They were held at gunpoint while their co-op garden was destroyed.

The raid sparked outrage from Santa Cruz officials because the co-op was a text book example of what California's medical marijuana laws were supposed to allow: a safe place for the sick and dying, with a common garden, where the patients could care for each other. The city, county, and the co-op sued the federal government.

On April 21, U.S. Circuit Court Judge Jeremy Fogel barred the Justice Department from interfering with the Corrals, their 250 fellow patients, or their marijuana garden.[1] Judge Fogel cited Raich v. Ashcroft, the recent Ninth Circuit decision that found the federal government has no jurisdiction over patients who grow their own plants.[2]

The latest government study says, "cannabinoid drugs might offer broad spectrum relief not found in any other single medication."[3] A TIME-CNN poll shows that 80 percent of Americans support medical marijuana for the seriously ill.[4] Isn't it time for the federal government to catch up with science and the people?[5]

CommonSenseDrugPolicy.org, DrugWarFacts.org, MedicalMJ.org

Mike Gray, Chair; Robert Field, Co-Chair 717-299-0600

1.Santa Cruz v. Ashcroft, C-03-1802JF 2.Raich v. Ashcroft 9th Cir No 03-15481 3."Marijuana and Medicine" Inst. of Medicine, 1999 4. TIME Nov 4 2002
5.To help, contact Americans for Safe Access www.SafeAccessNow.org 888-929-4367 or WAMM at www.wamm.org 831-425-0580

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children are U.S. citizens, and no matter how long they have been legally employed. More than half the states revoke or suspend driver's licenses of people arrested for marijuana possession even though they were not driving at the time of arrest. The federal Higher Education Act prohibits student loans to young people convicted of any drug offense; all other criminal offenders remain eligible.

This is clearly an overreaction on the part of government. No drug is perfectly safe, and every psychoactive drug can be used in ways that are problematic. The federal government has spent billions of dollars on advertisements and anti-drug programs that preach the dangers of marijuana—that it's a gateway drug, and addictive in its own right, and dramatically more potent than it used to be, and responsible for all sorts of physical and social diseases as well as international terrorism. But the government has yet to repudiate the 1988 finding of the Drug Enforcement Administration's own administrative law judge, Francis Young, who concluded after extensive testimony that "marijuana in its natural form is one of the safest therapeutically active substances known to man."

Is marijuana a gateway drug? Yes, insofar as most Americans try marijuana before they try other illicit drugs. But no, insofar as the vast majority of Americans who have tried marijuana have never gone on to try other illegal drugs, much less get in trouble with them, and most have never even gone on to become regular or problem marijuana users. Trying to reduce heroin addiction by preventing marijuana use, it's been said, is like trying to reduce motorcycle fatalities by cracking down on bicycle riding. If marijuana did not exist, there's little reason to believe that there would be less drug abuse in the U.S.; indeed, its role would most likely be filled by a more dangerous substance.

Is marijuana dramatically more potent today? There's certainly a greater variety of high-quality marijuana available today than 30 years ago. But anyone who smoked marijuana in the 1970s and 1980s can recall smoking pot that was just as strong as anything available today. What's more, one needs to take only a few puffs of higher-potency pot to get the desired effect, so there's less wear and tear on the lungs.

Is marijuana addictive? Yes, it can be, in that some people use it to excess, in ways that are problematic for themselves and those around them, and find it hard to stop. But marijuana may well be the least addictive and least damaging of all commonly used psychoactive drugs, including many that are now legal. Most people who smoke marijuana never become dependent. Withdrawal symptoms pale compared with those from other drugs. No one has ever died from a marijuana overdose, which cannot be said of most other drugs. Marijuana is not associated with violent behavior and only minimally with reckless sexual behavior. And even heavy marijuana smokers smoke only a fraction of what cigarette addicts smoke. Lung cancers involving only marijuana are rare.

The government's most recent claim is that marijuana abuse accounts for more people entering treatment than any other illegal drug. That shouldn't be surprising, given that tens of millions of Americans smoke marijuana while only a few million use all other illicit drugs. But the claim is spurious nonetheless. Few Americans who enter "treatment" for marijuana are addicted. Fewer than one in five people entering drug treatment for marijuana do so voluntarily. More than half were referred by the criminal-justice system. They go because they got caught with a joint or failed a drug test at school or work (typically for having smoked marijuana days ago, not for being impaired), or because they were caught by a law-enforcement officer—and attending a marijuana "treatment" program is what's required to avoid expulsion, dismissal, or incarceration. Many traditional drug-treatment programs shamelessly participate in this charade to preserve a profitable and captive client stream.

Even those who recoil at the "nanny state" telling adults what they can or cannot sell to one another often make an exception when it comes to marijuana—to "protect the kids." This is a bad joke, as any teenager will attest. The criminalization of marijuana for adults has not prevented young people from having better access to marijuana than anyone else. Even as marijuana's popularity has waxed and waned since the 1970s, one statistic has remained constant: More than 80 percent of high-school students report it's easy to get. Meanwhile, the government's exaggerations and outright dishonesty easily backfire. For every teen who refrains from trying marijuana because it's illegal (for adults), another is tempted by its status as "forbidden fruit." Many respond to the lies about marijuana by disbelieving warnings about more dangerous drugs. So much for protecting the kids by criminalizing the adults.

No one has ever died from a marijuana overdose, which cannot be said of most other drugs.

THE MEDICAL DIMENSION

The debate over medical marijuana obviously colors the broader debate over marijuana prohibition. Marijuana's medical efficacy is no longer in serious dispute. Its use as a medicine dates back thousands of years. Pharmaceutical products containing marijuana's central ingredient, THC, are legally sold in the U.S., and more are emerging. Some people find the pill form satisfactory, and others consume it in teas or baked products. Most find smoking the easiest and most effective way to consume this unusual medicine, but non-smoking consumption methods, notably vaporizers, are emerging.

Federal law still prohibits medical marijuana. But every state ballot initiative to legalize medical marijuana has been approved, often by wide margins—in California, Washington, Oregon, Alaska, Colorado, Nevada, Maine, and Washington, D.C. State legislatures in Vermont, Hawaii, and Maryland have followed suit, and many others are now considering their own medical-marijuana bills—including New York, Connecticut, Rhode Island, and Illinois. Support is often bipartisan, with Republican governors like Gary Johnson and Maryland's Bob Ehrlich taking

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the lead. In New York's 2002 gubernatorial campaign, the conservative candidate of the Independence party, Tom Golisano, surprised everyone by campaigning heavily on this issue. The medical-marijuana bill now before the New York legislature is backed not just by leading Republicans but even by some Conservative party leaders.

The political battleground increasingly pits the White House—first under Clinton and now Bush—against everyone else. Majorities in virtually every state in the country would vote, if given the chance, to legalize medical marijuana. Even Congress is beginning to turn; last summer about two-thirds of House Democrats and a dozen Republicans voted in favor of an amendment co-sponsored by Republican Dana Rohrabacher to prohibit federal funding of any Justice Department crackdowns on medical marijuana in the states that had legalized it. (Many more Republicans privately expressed support, but were directed to vote against.) And federal courts have imposed limits on federal aggression: first in *Conant* v. *Walters*, which now protects the First Amendment rights of doctors and patients to discuss medical marijuana, and more recently in *Raich* v. *Ashcroft* and *Santa Cruz* v. *Ashcroft*, which determined that the federal government's power to regulate interstate commerce does not provide a basis for prohibiting medical-marijuana operations that are entirely local and non-commercial. (The Supreme Court let the *Conant* decision stand, but has yet to consider the others.)

THE BROADER MOVEMENT

The bigger battle, of course, concerns whether marijuana prohibition will ultimately go the way of alcohol Prohibition, replaced by a variety of state and local tax and regulatory policies with modest federal involvement. Dedicated prohibitionists see medical marijuana as the first step down a slippery slope to full legalization. The voters who approved the medical-marijuana ballot initiatives (as well as the wealthy men who helped fund the campaigns) were roughly divided between those who support broader legalization and those who don't, but united in seeing the criminalization and persecution of medical-marijuana patients as the most distasteful aspect of the war on marijuana. (This was a point that Buckley made forcefully in his columns about the plight of Peter McWilliams, who likely died because federal authorities effectively forbade him to use marijuana as medicine.)

The medical-marijuana effort has probably aided the broader anti-prohibitionist campaign in three ways. It helped transform the face of marijuana in the media, from the stereotypical rebel with long hair and tie-dyed shirt to an ordinary middle-aged American struggling with MS or cancer or AIDS. By winning first Proposition 215, the 1996 medical-marijuana ballot initiative in California, and then a string of similar victories in other states, the nascent drug-policy-reform movement demonstrated that it could win in the big leagues of American politics. And the emergence of

Dedicated prohibitionists see medical marijuana as the first step down a slippery slope to full legalization.

State and local governments are increasingly involved in trying to regulate medical marijuana, notwithstanding the federal prohibition. California, Oregon, Hawaii, Alaska, Colorado, and Nevada have created confidential medical-marijuana patient registries, which protect bona fide patients and caregivers from arrest or prosecution. Some municipal governments are now trying to figure out how to regulate production and distribution. In California, where dozens of medical-marijuana programs now operate openly, with tacit approval by local authorities, some program directors are asking to be licensed and regulated. Many state and local authorities, including law enforcement, favor this but are intimidated by federal threats to arrest and prosecute them for violating federal law.

The drug czar and DEA spokespersons recite the mantra that "there is no such thing as medical marijuana," but the claim is so specious on its face that it clearly undermines federal credibility. The federal government currently provides marijuana—from its own production site in Mississippi—to a few patients who years ago were recognized by the courts as bona fide patients. No one wants to debate those who have used marijuana for medical purposes, be it Santa Cruz medical-marijuana hospice founder Valerie Corral or NATIONAL REVIEW's Richard Brookhiser. Even many federal officials quietly regret the assault on medical marijuana. When the DEA raided Corral's hospice in September 2002, one agent was heard to say, "Maybe I'm going to think about getting another job sometime soon."

successful models of medical-marijuana control is likely to boost public confidence in the possibilities and virtue of regulating non-medical use as well.

In this regard, the history of Dutch policy on cannabis (i.e., marijuana and hashish) is instructive. The "coffee shop" model in the Netherlands, where retail (but not wholesale) sale of cannabis is de facto legal, was not legislated into existence. It evolved in fits and starts following the decriminalization of cannabis by Parliament in 1976, as consumers, growers, and entrepreneurs negotiated and collaborated with local police, prosecutors, and other authorities to find an acceptable middle-ground policy. "Coffee shops" now operate throughout the country, subject to local regulations. Troublesome shops are shut down, and most are well integrated into local city cultures. Cannabis is no more popular than in the U.S. and other Western countries, notwithstanding the effective absence of criminal sanctions and controls. Parallel developments are now underway in other countries.

Like the Dutch decriminalization law in 1976, California's Prop 215 in 1996 initiated a dialogue over how best to implement the new law. The variety of outlets that have emerged—ranging from pharmacy-like stores to medical "coffee shops" to hospices, all of which provide marijuana only to people with a patient ID card or doctor's recommendation—play a key role as the most public symbol and manifestation of this dialogue. More such outlets will likely pop up around the country as other states legalize marijuana for medical purposes and then seek ways to regulate distribu-

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tion and access. And the question will inevitably arise: If the emerging system is successful in controlling production and distribution of marijuana for those with a medical need, can it not also expand to provide for those without medical need?

Millions of Americans use marijuana not just "for fun" but because they find it useful for many of the same reasons that people drink alcohol or take pharmaceutical drugs. It's akin to the beer, glass of wine, or cocktail at the end of the workday, or the prescribed drug to alleviate depression or anxiety, or the sleeping pill, or the aid to sexual function and pleasure. More and more Americans are apt to describe some or all of their marijuana use as "medical" as the definition of that term evolves and broadens. Their anecdotal experiences are increasingly backed by new scientific research into marijuana's essential ingredients, the cannabinoids. Last year, a subsidiary of *The Lancet*, Britain's leading medical journal, speculated whether marijuana might soon emerge as the "aspirin of the 21st century," providing a wide array of medical benefits at low cost to diverse populations.

Perhaps the expansion of the medical-control model provides the best answer—at least in the U.S.—to the question of how best to reduce the substantial costs and harms of marijuana prohibition without inviting significant increases in real drug abuse. It's analogous to the evolution of many pharmaceutical drugs from prescription to over-the-counter, but with stricter controls still in place. It's also an incrementalist approach to reform that can provide both the control and the reassurance that cautious politicians and voters desire.

In 1931, with public support for alcohol Prohibition rapidly waning, President Hoover released the report of the Wickersham Commission. The report included a devastating critique of Prohibition's failures and costly consequences, but the commissioners, apparently fearful of getting out too far ahead of public opinion, opposed repeal. Franklin P. Adams of the *New York World* neatly summed up their findings:

> Prohibition is an awful flop.
> We like it.
> It can't stop what it's meant to stop.
> We like it.
> It's left a trail of graft and slime
> It don't prohibit worth a dime
> It's filled our land with vice and crime,
> Nevertheless, we're for it.

Two years later, federal alcohol Prohibition was history.

What support there is for marijuana prohibition would likely end quickly absent the billions of dollars spent annually by federal and other governments to prop it up. All those anti-marijuana ads pretend to be about reducing drug abuse, but in fact their basic purpose is sustaining popular support for the war on marijuana. What's needed now are conservative politicians willing to say enough is enough: Tens of billions of taxpayer dollars down the drain each year. People losing their jobs, their property, and their freedom for nothing more than possessing a joint or growing a few marijuana plants. And all for what? To send a message? To keep pretending that we're protecting our children? Alcohol Prohibition made a lot more sense than marijuana prohibition does today—and it, too, was a disaster. **NR**

■ AT WAR

A Tortured Debate

The media-fed hysteria over the treatment of terrorist prisoners

BYRON YORK

On Sunday, June 20, at the U.S. detention facility in Guantánamo Bay, Cuba, the lunch menu for suspected al-Qaeda, Taliban, and other prisoners in the War on Terror was as follows: whole-wheat pita bread, stewed tomatoes, long-grain brown rice, chickpeas, dates, yogurt, and tea. For dinner, the suspected terrorists were served green beans, carrots, chicken and noodles, whole-wheat bread, fresh fruit, and tea. For both meals, as for all others served at what is known as Camp Delta, U.S. forces took care to make sure the food served to Muslim prisoners was prepared in accordance with halal dietary requirements. Detainees "receive three culturally appropriate meals each day," one official told NATIONAL REVIEW, and another officer e-mailed from Guantánamo to say, "I can reassure you that we are definitely attuned to the cultural dietary needs of the detainees. Nothing that is not appropriate is ever given to them to eat or drink."

Such measures, along with many others concerning the prisoners' daily lives, suggest that the American military is going to great lengths to ensure that detainees, a number of them jihadists captured on the battlefield in Afghanistan, are treated humanely. Yet in recent days the Bush administration has found itself facing accusations that it permits the "torture" of prisoners in the War on Terror. Critics in Congress and the press have suggested that the administration has not only condoned torture, but has used illegal methods of interrogation on detainees.

It started, of course, with the abuses at Iraq's Abu Ghraib prison, which were condemned (and prosecuted) by U.S. officials. But now, with the publication of formerly secret administration legal memos analyzing the torture question, the president's opponents have suggested that the Abu Ghraib scandal is just part of a larger Bush policy of criminally abusing prisoners. The *New York Times* wrote that the existence of the memos suggested that "the inhumanity at Abu Ghraib grew out of a morally dubious culture of legal expediency and a disregard for normal behavior fostered at the top of this administration." The *Washington Post* wrote that the Bush administration had "redefined" torture in a way that brought "shame on American democracy" by adopting the reasoning of "dictatorships," "military juntas," and Islamic "autocracies." Other critics suggested the White House had ripped the Constitution to shreds.

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Amid all the condemnations, a few questions remained largely unasked. What did those legal memos actually say about torture? How does the U.S. military treat its prisoners? Have any been tortured? A look at the administration's legal thinking, and interviews with those involved in making its policies, suggest the answers come out in the administration's favor. Although such answers are less sexy than headlines about torture, it appears the administration is simply not guilty of the misconduct of which it has been accused.

WRESTLING WITH DEFINITIONS

The Bush administration has conducted two major reviews of the law on the issue of torture: one by the Justice Department, completed in the summer of 2002, and another by the Defense Department, completed in the spring of 2003. The two studies are similar in many ways, but the Justice Department's—written after the CIA asked for legal guidance on the issue of prisoner treatment—is the more wide-ranging.

> The Justice Department's 50-page memo did not condone torture. Nor, for that matter, did it condone cruel, inhuman, or degrading treatment. It just examined the law.

To answer the CIA's inquiries, the Justice Department assembled a sizable team of lawyers. They began by examining the major international treaty on the issue, the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which was written in the 1980s and ratified by the U.S. Senate in 1994. They also studied the act of Congress, usually referred to as Section 2340, which implemented the treaty in U.S. law.

"We looked at the treaty, the implementing statute, the negotiating history of the treaty, the U.S. ratification record, the discussions between the Senate and the president about the treaty, the cases from the U.S. and abroad involving torture, other statutes involving torture, commentary, law-review articles, and books," says one former administration official involved in terrorism issues. "This was probably the most comprehensive examination of this question there has ever been in American law."

The key question for the Justice Department lawyers was: What is torture? Although some critics have suggested the administration came up with a new definition to allow for abusive interrogations, in fact the legal team decided to adopt the definition contained in both the Convention Against Torture and Congress's Section 2340. The treaty, which was approved by more than 70 nations around the world, defined torture as "any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person . . . at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity." Section 2340 contained similar language, defining torture as an "act committed by a person acting under the color of law specifically intended to inflict severe physical or mental pain or suffering . . . upon another person within his custody or physical control."

Both the treaty and the law used the word "severe." The Justice Department study noted that the treaty carefully "distinguishes between torture and other acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture . . ." In addition, the lawyers found, the treaty required criminal penalties only for acts of torture, not for anything else. Likewise, Section 2340, according to the administration analysis, "makes plain that the infliction of pain or suffering per se, whether it is physical or mental, is insufficient to amount to torture."

As administration lawyers studied the congressional debate over the act, they discovered that such language was chosen after lengthy consideration. "One thing that both senators and administration witnesses made clear was that . . . torture was defined in a very specific way," says the former administration official. "[The act] defines torture, and then it defines cruel, inhuman, and degrading acts." The two, though both undesirable, were different things.

Everything in the Justice Department's 50-page memo—and the controversy it created—flowed from that distinction. Administration lawyers concluded that some types of treatment of prisoners, while perhaps not acceptable either to the administration or to the American public, might nonetheless be legally defensible under both international and American law. The memo did not condone torture. Nor, for that matter, did it condone cruel, inhuman, or degrading treatment. It just examined the law.

"The job was, here's a statute, and you have to find out what it means. What conduct is allowed by law, and what is not?" says the former official. "If you're in a war, and you have to interrogate people, wouldn't you want the government to ask, what is torture, and what are the lines established by Congress? The critics almost make it as if you are not allowed to ask."

Indeed, Democrats pounded attorney general John Ashcroft when he appeared before the Senate Judiciary Committee on June 8, shortly after the memo was reported. California senator Dianne Feinstein said the administration appeared to be trying "to redefine torture and narrow prohibitions against it." Vermont's Patrick Leahy said the memo "may well have set in motion a process that led to [the] abuses" at Abu Ghraib. And Ted Kennedy said the memo *did* lead to those abuses.

Some of the accusations left other committee members shak-

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ing their heads. Arizona Republican Jon Kyl told NATIONAL REVIEW, "I think the real stretch is to take a memo like the one that was written by the attorney general's office and suggest that somehow or other that legal memo found its way through to some troop on the ground in Afghanistan or Iraq, and he's reading this memo and saying, 'Aha, I've got a defense if I torture this guy.'"

For his part, Ashcroft tried to explain that Congress, and not the attorney general or the Justice Department, had crafted the legal definition of torture that was the basis of the memo. In fact, some of the senators on the committee had voted for the law containing that definition. But the attorney general made little progress.

A DIRTY LITTLE SECRET

One thing the senators did not much discuss was how accused terrorist prisoners are actually being treated and questioned in American detention facilities. It was only after the torture uproar that the administration decided to release its rules concerning those interrogations. What they revealed was a military that had engaged in a long and careful process of determining what is permissible and what is not—staying well within the bounds of acceptable treatment outlined in both the Convention Against Torture and Congress's Section 2340.

When the U.S. began shipping detainees to Guantánamo, the only rules that applied to interrogations were those found in Field Manual 34-52, an old publication that had guided American military interrogations for years. The manual listed 17 techniques that interrogators could use, such as incentives, removal of incentives, rapid-fire questions, and silence. Those guidelines governed all interrogations until December 2002.

By then, the military had been having problems with what one Pentagon source calls a "high-value detainee" who had al-Qaeda connections and who "we thought had some very specific information about future planned attacks on America." Officials will not name him publicly, but he has been identified in the press as Mohamed al-Kahtani, thought to be the intended "20th hijacker." "He was resisting these kinds of techniques," says the source. "We know that they [al-Qaeda] train to resist these things."

Al-Kahtani's resistance led to an extensive review of interrogation procedures. The reviewers went up and down the chain of command, and in the end came up with a new list of procedures. That list was divided into three tiers. The first tier involved most of the techniques that had been in the old field manual, plus a few new ones, "like yelling at a detainee, but not in his ear, and not to cause pain," says the Pentagon source.

The second tier involved strategies such as removing "comfort items," including toothpaste and other sundries. The third tier comprised just one technique: Officials will not give all the details, but it appears to have involved "non-injurious contact"—what the source calls "light pushing."

The new three-tier system had been in place for just a month when some military officials at Guantánamo raised concerns about its appropriateness and effectiveness. At that point, defense secretary Donald Rumsfeld convened a large working group to come up with yet another set of interrogation guidelines. The group included people from all disciplines in the military, including lawyers who opposed virtually all interrogation techniques.

An extensive debate took place, and the work went on for more than a year. Finally, in April 2003, the Pentagon approved a new set of interrogation methods that are still in effect today. The new set included 24 techniques—the 17 from the old field manual, plus seven new ones.

The new methods included "dietary manipulation," which means a change in the detainee's daily rations. "It's not a reduction in caloric intake, and it's intended to provide the same level of nutrition, but perhaps just not as palatable," says the source. In practice, it has meant taking away a prisoner's hot meals and giving him instead a military MRE, the standard field ration for American troops. Other techniques included shaving off a detainee's beard (something the September 11 hijackers did for themselves, in order not to attract attention) and "change of scenery," such as taking a detainee to a smaller interrogation room than the one to which he had become accustomed.

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Four of the 24 techniques required the approval of the secretary of defense himself. They were "attacking or insulting the ego of a detainee"; using a "team consisting of a friendly and harsh interrogator"; the reward or removal of significant incentives; and "isolation." Officials are quick to point out that "isolation" does not mean "solitary confinement." "It's removing him from his peer group, not removing him from all human contact," says the Pentagon source. Officials also stress that every interrogation is conducted only after an interrogation plan is written and approved in advance.

In total, what seems remarkable about the interrogation guidelines is, for the most part, how mild they are. In many ways, even the most recalcitrant detainee receives better treatment (and food) than many U.S. troops in the field (or in training). "The dirty little secret here is not how bad these guys are being treated," says the source. "The dirty little secret is we're not really doing very much to them."

'OUR VALUES AS A NATION'

On June 17, Rumsfeld faced the Pentagon press corps to answer a long series of questions about torture. At times the usually eloquent defense secretary was reduced to stream-of-consciousness rambling. "I have read this—editorials—'torture'—and one after another," he said. "*Washington Post* the other day—I forget when it was—just a great, bold 'torture' . . . " Gathering his thoughts, Rumsfeld continued, "I have not seen anything that suggests that a senior civilian or military official of the United States of America . . . could be characterized as ordering or authorizing or permitting torture or acts that are inconsistent with our international treaty obligations or our laws or our values as a country."

What Rumsfeld did not mention—because it was classified at the time—was that for more than two years he and the entire American government have operated under a February 7, 2002, directive from President Bush that declared, "Our values as a nation, values that we share with many nations in the world, call for us to treat detainees humanely, including those who are not legally entitled to such treatment. As a matter of policy, the U.S. armed forces shall continue to treat detainees humanely, and to the extent appropriate and consistent with military necessity, in a manner consistent with the principles of Geneva."

America's military men and women seem to have taken that directive quite seriously. For example, while the prosecutions of soldiers involved in the Abu Ghraib abuses are well known, it is not as well known that the Pentagon has been quite tough—some would say too tough—on Americans who have run into trouble with terrorist detainees at Guantánamo. In one instance, according to military officials, a prisoner threw a cup of urine at a guard, who retaliated by throwing some Pine-Sol cleaner at the prisoner. In another case, a detainee spit on a guard, who then turned a water hose on him. In both cases, sources say, it was the guards, and not the detainees, who were disciplined.

That kind of story doesn't receive much notice in the ongoing uproar about torture. But in the end, such instances seem to show an administration determined to treat prisoners humanely—no matter what its critics say. **NR**

■ PUBLIC POLICY II

Stem-Cell Hard Sell

After Reagan's death, the campaign for embryo research grows even more dishonest

RAMESH PONNURU

Nancy Reagan believes that increased government funding for embryonic stem-cell research could keep other families from going through the trauma of Alzheimer's disease. To her credit, she has never said that her husband would have favored such funding, or suggested that Republicans have an obligation to support it in memory of him.

Not all advocates of the funding have been so restrained. Two days after Reagan's death, William Safire was writing in the *New York Times* that increased funding would be the Gipper's last victory. Sen. Orrin Hatch—who pledged during his last Republican primary campaign to oppose embryo research, but then broke his promise—said, "Maybe one of the small blessings that will come from [Reagan's] passing will be a greater opportunity for Nancy to work on this issue." The *Washington Post* ran an editorial that week arguing against the memorials that some Reaganites want—Reagan on the dime, for instance. A more appropriate way to honor Reagan, according to the *Post*: increased funding for embryonic stem-cell research.

Newsweek published a Reagan memorial issue; its next issue included three pieces making the case for increased stem-cell funding. The first was a news article that played up the potential benefits of research for the treatment of Alzheimer's. In the second, columnist Jonathan Alter speculated that Reagan would have favored it. And in the third, Reagan's daughter Patti Davis wrote that the research could cure Alzheimer's. She even wrote that promoting the research could be God's redemptive purpose for her family's suffering.

Even before Reagan's death, the debate over funding for embryonic stem-cell research was heating up. Letters were circulating on Capitol Hill demanding increased funding; eventually 58 senators and 206 members of the House signed them and sent them to President Bush. Liberals support increased funding, on the merits—but they also believe that the issue will hurt President Bush, and pro-lifers. Some Republicans, like Mrs. Reagan, join them in supporting the funding; many others are running scared. The national media want to make this summer a reprise of the summer of 2001, when they campaigned relentlessly for the funding (*Newsweek* ran a slanted cover story then, too), and tried to box in Bush.

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A CAMPAIGN OF INACCURACY

The campaign for increased funding is trafficking heavily in inaccuracy. While the vast majority of the people involved in that campaign are no doubt sincere in their advocacy, they are distorting President Reagan's record, exaggerating the likelihood that increased funding will lead to cures for diseases, misrepresenting current policy, and citing bogus public-opinion research.

Nobody can say with confidence what Reagan would have done about this research if he were participating in today's debate. Nor is that an especially fruitful question. Many of the news accounts after he died, however, made Reagan seem less conservative than he was. We were often told that as governor he had signed a bill that liberalized abortion law. It made abortion legal in cases of rape, incest, and threats to mothers' lives and health. What we were not often told is that Reagan regretted signing that law once he discovered how liberally the "health" exception was interpreted. Reagan also went on to write a book against abortion—a fairly remarkable act for a sitting president. He proclaimed a national "sanctity of life" day declaring "the unalienable personhood of every American, from the moment of conception until natural death." Most to the point, he blocked federal funding of research on human embryos.

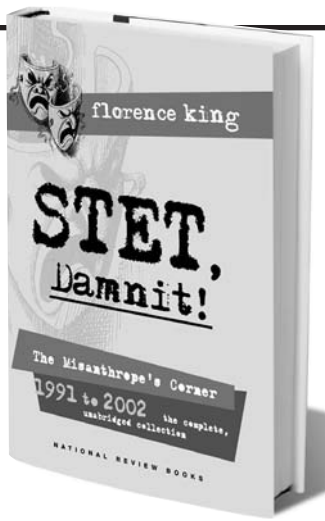
We also know that the president and his wife did not see eye to eye on these issues. Reagan's chief of staff Donald Regan recounts in his memoirs that Mrs. Reagan called him to ask that anti-abortion comments be removed from a State of the Union address. Regan said that the president had especially wanted to speak about abortion. The First Lady responded, "I don't give a damn about the right-to-lifers."

The pro-funding lobby gives as one-sided a picture of the potential health benefits of the research as it does of Reagan's views. In their letters to President Bush, the 264 pro-funding congressmen write, "As you know, embryonic stem cells have the potential to be used to treat and better understand deadly and disabling diseases and conditions that affect more than 100 million Americans, such as cancer, heart disease, diabetes, Parkinson's, Alzheimer's, multiple sclerosis, spinal cord injury, and many others." The claim is worded vaguely enough so that it is not exactly false: You couldn't prove that the research has no "potential" to improve our understanding of the common cold. Under the influence of the pro-funding lobby, relatives of ailing people now believe even stronger claims. Patti Davis's *Newsweek* article called stem-cell research "the miracle that can cure not only Alzheimer's but many other diseases and afflictions."

But Rick Weiss reported in the *Washington Post* that, "of all the diseases that may someday be cured by embryonic stem cell treatments, Alzheimer's is among the least likely to benefit." (Embarrassingly for the *Post*, it ran its editorial arguing that increased funding could lead to Alzheimer's treatments on the same day it ran the Weiss story.) Cancer and heart disease are pretty far down the list, too, although they're useful in generating the figure of "more than 100 million Americans." Whether embryonic stem-cell research has more promise than research on stem cells taken from adults or umbilical-cord blood is a subject of fierce dispute. Most scientists seem to favor the embryonic research, or research on cloned embryos. But even the Juvenile Diabetes Research Foundation, which strongly backs funding for that research, puts more of its own money into adult stem-cell research.

False claims about the current policy are everywhere. In the 1990s, Congress banned funding for research that would destroy human embryos. The Clinton administration decided that this ban meant that the federal government could not pay for the destruction of embryos, but could pay for research on stem cells once they were taken from the embryos. It was in the process of issuing regulations to that effect when Bush took over.

Bush didn't want to encourage the destruction of embryos by declaring the government's willingness to fund all such research. Instead, on August 9, 2001, he announced that he



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would fund research only on stem cells that had been taken from embryos before that date. That meant, he said, that around 60 existing stem-cell lines would be eligible for funding, but no future lines would be. The government would promote research, but would not cooperate in a moral wrong. Nor would it ask taxpayers who object to the destruction of embryos to subsidize it. The federal government would not, however, ban any privately financed research.

The president's critics say his numbers have proven wrong: Only 19 subsidized lines are available to researchers. Wittingly or not, the critics are conflating eligibility and availability. The lines that were eligible for funding were not immediately available. Legal rights had to be parceled out, and the lines had to be developed. These processes took time, and not because of Bush's funding restrictions. But the number of available lines has been increasing, and will continue to increase—possibly to as many as 55. The congressmen claim that if Bush's policy were liberalized, research could be done on 400,000 embryos currently frozen at IVF clinics. But the study from which that estimate comes notes that most of those embryos have been stored for future reproductive use. The study indicates that at most 275 additional lines could be generated from these embryos.

It is certainly true that if the president's goal were to maximize embryonic stem-cell research, to the exclusion of other concerns, he would adopt a more liberal policy. The director of the National Institutes of Health has said as much, in a statement that pro-funding polemicists have treated as a devastating admission. But it is also true that no researcher has complained that the current policy is impeding him; the complaints have been more along the lines that the policy is keeping people from going into the field.

Funding proponents have sometimes been willing to imply that Bush has prohibited embryo research rather than limited government funding for it. Patti Davis wrote in her *Newsweek* op-ed that her mother had "emerged as a central figure in the effort to get the federal government out of the way." That is becoming a talking point of the campaign, and it is deeply misleading: The effort is to get the federal government to pay, not get out of the way.

UNINFORMED CONSENT

Finally, proponents of funding are making false claims about public opinion. A pro-funding organization commissioned a poll by Democrat Peter Hart that got a lot of attention. It purported to show that Americans strongly supported funding, and that the more informed voters were, the more likely they were to support it. But the poll was, at best, extremely sloppy. It found that voters were more likely to support the funding when they were "informed" that the research "offers the best hope we have today for curing such diseases as Alzheimer's, diabetes, heart disease, and cancer, which today cause pain and suffering to more than 100 million Americans." They were also "informed" that "highly respected" groups favor the research, including "the National Institutes of Health." The "highly respected" label stacks the deck, and in truth the NIH—a division of the Bush administration—does not support liberalized funding. The poll also counted voters as supporting funding the research when they may have merely supported allowing it. Unbiased polls find that most people do not know much about the issue and are open to appeals from both sides. Gallup found that 54 percent of the public favored the research, but that poll didn't ask about taxpayer funding.

There's no question that President Bush and his allies have a hard job. Opposing the demands of people with terrible illnesses, however much lobbying groups have misled those people, is very hard. Nobody wants to be, or to appear, indifferent to human suffering. Parts of the Republican coalition support the research. Many libertarians, for example, seem to have tacitly decided that they dislike pro-lifers more than they dislike government subsidies. A few pro-life congressmen have decided that it is better to kill embryos in a good cause than to let them stay in deep freeze.

Pro-lifers need to go on offense. They could push Congress to ban research—public or private—on embryos that are more than two weeks old. That could become a consensus position.

The administration, which includes many people who are not personally committed to the president's policy, has not been vigorous in defending it. "They seem to hope the issue will go away," says one close observer. Bush did a reasonably good job in laying out the case for his position in a televised prime-time address when he announced it. But he has not returned to the issue. Perhaps he should press the argument about using government funds in ways many taxpayers oppose. That argument has served conservatives well in the abortion-funding debate.

In the longer run, pro-lifers need to go on offense. They could push Congress to ban research—public or private—on embryos that are more than two weeks old. That could become a consensus position: Bush's commission on bioethics, though bitterly divided on embryo research and cloning, unanimously endorsed the idea. Pro-life organizations have balked, however, worrying that the idea would lend tacit support to research during those first two weeks. But at least the proposal would make us debate how much protection to give embryos. Right now, we are debating how much to subsidize their destruction: how much ground, that is, we should lose this year. **NR**

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the long view

ROB LONG

Official Transcript:
Larry King Live
June 20, 2008

LARRY KING: "From Port St. Joe, Florida! You're on with Bill and Hillary Clinton! Hello!"

CALLER: "Me?"

LARRY KING: "What's your question, caller?"

CALLER: "I just wanted to know if the Clintons feel like their marriage is stronger now than . . ."

LARRY KING: "Good question, caller. So? Stronger? Weaker? Which? Better? Worse?"

BILL CLINTON: "Well, I think . . ."

HILLARY CLINTON: "It's hard to . . ."

BILL CLINTON: "Sorry, honey, you go first."

HILLARY CLINTON: "No, you."

BILL CLINTON: "No, you."

HILLARY CLINTON: "No, you."

BILL CLINTON: "No, you."

LARRY KING: "Tomorrow night! The whole hour with newlyweds Liza Minnelli and Gary Coleman!"

BILL CLINTON: "But, you know, Larry, I think over the years, we've grown closer and closer. Our relationship is stronger and stronger."

LARRY KING: "Senator?"

HILLARY CLINTON: "Life is complicated, Larry."

LARRY KING: "You're telling me! From Walnut Creek, California, you're on with Bill and Hillary Clinton, hello!"

CALLER: "Hey, Larry. Um . . . I just want to know if Bill Clinton has any more books coming out. I enjoyed the last six a great deal."

LARRY KING: "What about it? The writing? The books? This is something that's working?"

BILL CLINTON: "Well, Larry, as you know, I was very gratified by the reception to my autobiography . . ."

LARRY KING: "You're still calling it an autobiography?"

BILL CLINTON: ". . . I mean, the novelization of my life. You know, I'll never figure out why some people really had a hard time understanding that. As a writer, I guess, I just felt that it was more important to craft a compelling and full narrative . . ."

LARRY KING: "But they ended up reshelving the book, right?"

BILL CLINTON: "Yes, some large book chains—most of which are run by extremely conservative people, Larry—moved the book to the 'New Fiction' section back in late 2004, but the book did very well and . . ."

LARRY KING: "And you started writing novels for real . . ."

BILL CLINTON: "I started writing fantasy fiction, yes. Stories of knights and magic and other realms, stories from another time and another dimension, when wizards and witchcraft ruled the Middle Kingdom."

LARRY KING: "I hear the kids love 'em."

BILL CLINTON: "They're very popular, Larry."

LARRY KING: "I haven't read them, I'm sorry to say. Senator, what do you think of your husband's new career?"

HILLARY CLINTON: "As you know, Larry, I'm very supportive of Bill and his energy and creativity and passion. But I haven't had a moment, really, to read his novels."

LARRY KING: "Busy?"

HILLARY CLINTON: "Yes, of course. With Senate business and the campaign."

LARRY KING: "Let's talk about the campaign for a moment."

BILL CLINTON: "Before we do, I'd just like to say that 'The Despot's Wand' is coming out in paper next week! It's the third of the 'Towering Wand' trilogy."

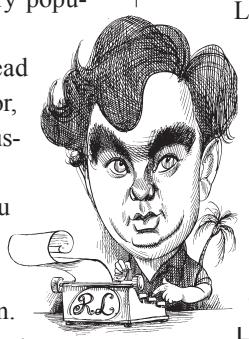
LARRY KING: "Tuesday! Anger Therapy! From Helena, Montana, you're on with Bill and Hillary Clinton! Hello!"

CALLER: "I have a question for the senator. Mrs. Clinton, as the Democratic nominee for president, and as the current frontrunner in the polls, do you think it will be weird to live in the White House again, but as president this time?"

LARRY KING: "Good question, caller. What about it, Senator? A little freaky? Give you shivers?"

HILLARY CLINTON: "Actually, Larry, I haven't been focused on that. I'm focused more on the campaign in the fall, and taking my message to the people. It's a message about . . ."

BILL CLINTON: "If I could just jump in here. I think what the caller is really asking, Larry, is how I'm going to react being the president's husband. I mean, there's no precedent here for me to follow. I'm very much going to be a trailblazer here, and I'm looking forward to it. I've enjoyed traveling with Hillary around the country and helping her presidential campaign where I could, and I'm sure that in between my writing—I'm starting a new trilogy, Larry, called 'The Enchanted Haunch'—I'll be able to advise and counsel Hillary as she serves the country. It's just such an exciting time."



LARRY KING: "You're looking forward to it, Mrs. Clinton?"

HILLARY CLINTON: "Life is complicated, Larry."

LARRY KING: "It'll be nice to have someone around who's been there, done that, right?"

BILL CLINTON: "It certainly will."

HILLARY CLINTON: "Bill will be staying in Chappaqua."

LARRY KING: "What?"

BILL CLINTON: "What?"

LARRY KING: "Friday! The whole hour with the New Siegfried and Roy!"

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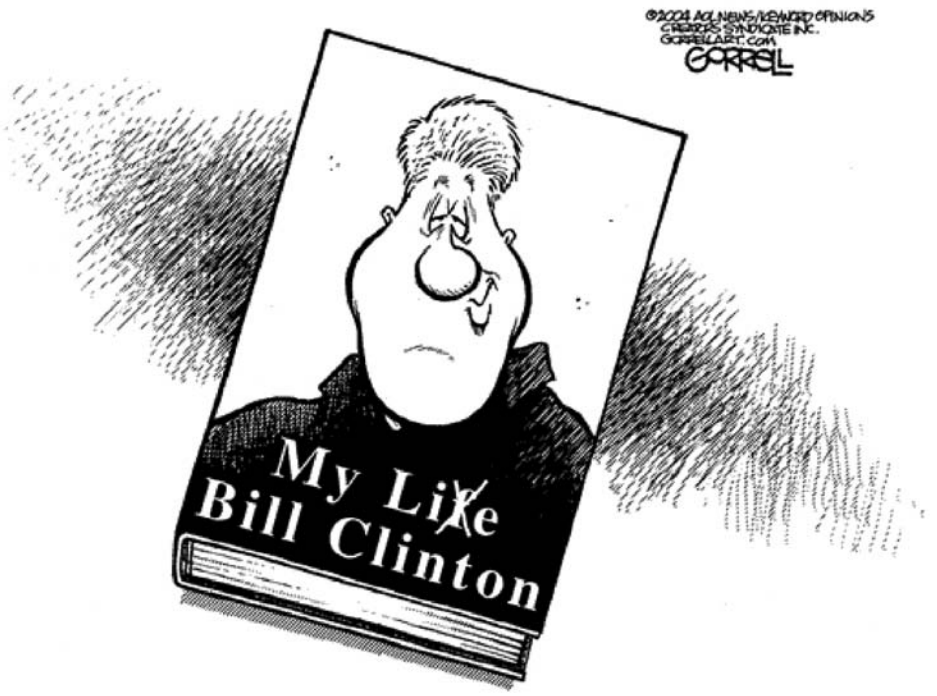
HELP!!!!



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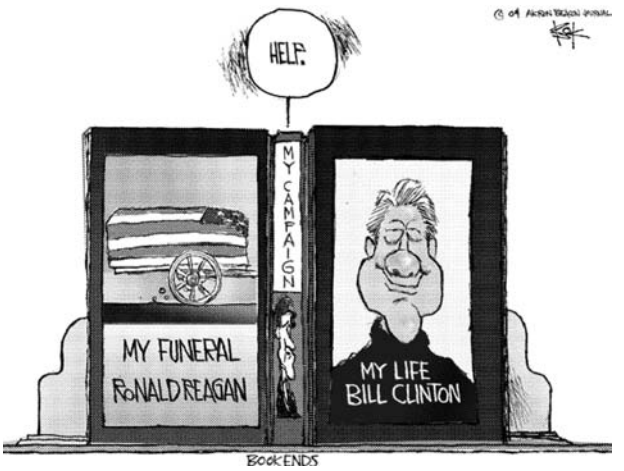
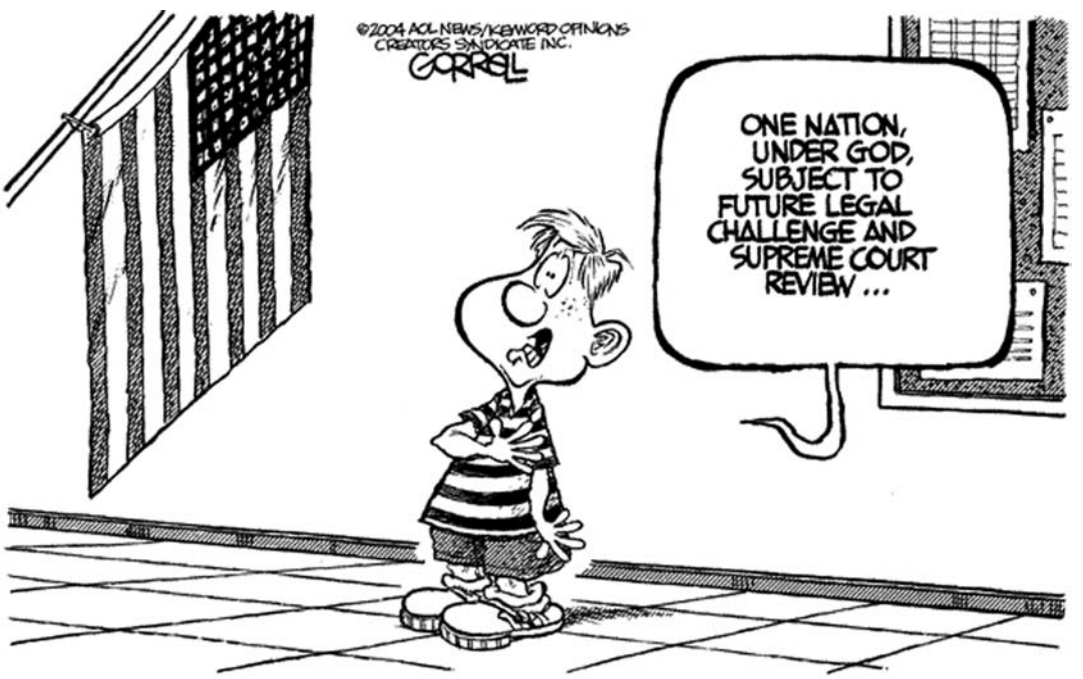
Bill Clinton, Author

Knopf greased the chute with $10 mil.
Dan played the sycophant host.
John, in an oxygen tent,
Sucks, but Bill's sucking the most.
As a doorstop, it's OK.
Early reviews are unkind.
Hillary, who wrote a wow,
Doesn't—you're stunned?—seem to mind.

—W. H. von Dreele



"I'm sorry, Elwood—you're a nice guy, but you're just not electable."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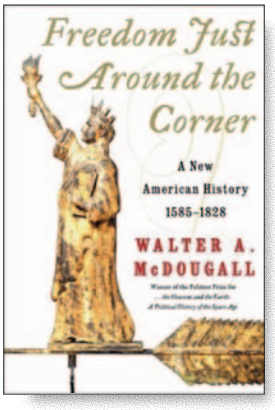
Con Men & Heroes



Freedom Just Around the Corner: A New American History, 1585-1828, by Walter A. McDougall (HarperCollins, 656 pp., $29.95)

MICHAEL KNOX BERAN

THIS provocative book is the first of three projected volumes in Walter A. McDougall's new history of America. At the heart of *Freedom Just Around the Corner* is the "hustler": the driven, restless self-promoter, not always scrupulous about means but often cherishing noble ends in his heart. While some of America's hustlers are, like the swindling trickster of Herman Melville's novel *The Confidence-Man*, bad guys out to bamboozle the world, other Americans, McDougall writes, are "hustlers in the *positive* sense: builders, doers, go-getters, dreamers, hard workers, inventors, organizers, engineers."

McDougall's idea makes for an interesting intellectual parlor game. Instead of distinguishing between the Paleface and the Redskin, the Cavalier and the Roundhead, or the Hipster and the Square, McDougall would have us pay attention to those Americans who hustle and those who don't or can't. FDR is clearly an aristocratic hustler, nursing the resentments of fallen gentlefolk; Adlai Stevenson, on the other hand, couldn't sell lemonade on a hot day in July. Mark Twain could hustle, but Henry James couldn't: He fled to Europe to escape the sharks. Jay Gatsby (*né* Gatz) knows how to dodge artfully; J. Alfred Prufrock doesn't; Willy Loman tries but fails.

McDougall shows that the hustling tradition in America started early; there was no fall from pre-commercial agrarian grace. "Hustlers and speculators, merchants and developers," he writes, "were there from the start." William Bradford and the Plymouth Pilgrims were hustlers: They freely admitted that most men like to hoodwink their fellows. The Pilgrims' "trick," McDougall says, was to devise a system that made their "corruption creative." Drawing on England's market-based common-law tradition, the Pilgrim Fathers gave men the tools (such as private property) they needed in order to chisel their neighbors in ways that promoted the larger prosperity of the colony.

John Winthrop of the Massachusetts Bay Colony is another of McDougall's hustlers, a pious Calvinist who was also a "shrewd lawyer" and progenitor of the Yankee, eager to exploit opportunity. Roger Williams and Anne Hutchinson—exiles from the Bay Colony—were "inveterate malcontents and hustlers looking for new opportunities." "New England could not have expanded and prospered at such a frenetic pace," McDougall argues, "unless a hustling spirit were present at its creation."

Benjamin Franklin, whom McDougall calls a hustler for "good causes" who "also felt good about doing well," is the classic 18th-century example of the idealistic grifter. Other examples include the evangelical preachers of the "First Great Awakening." Revivalists like George Whitefield, William and Gilbert Tennent, and Theodore Frelinghuysen were spellbinders and manipulators; many of them, McDougall observes, used press agents to "sensationalize" their successes. They "baptized" commerce by "thrusting their clutches skyward to pull down heaven itself—down to America. You can't help but do well and feel good about it, in heaven."

When, in order to pay for Britain's victory in the Seven Years' War, the ministers at Westminster tried to replace the colonies' flexible common-law system with draconian parliamentary statutes, Americans rebelled. They were inflamed by the government's attempt to dismantle the very machinery that allowed them to hustle so effectively. As Westminster began to assert greater control over the colonies, Americans at first cooked up schemes to evade the new rules: They smuggled goods and fudged records. When Westminster refused to back down, Americans went for their muskets.

George Washington was one of the hustling colonists who drew the sword in defiance of King and parliament. A self-taught land surveyor who caught the speculative bug early—he yearned to make a fortune in western land—Washington was, McDougall argues, less austere in his public deportment than some historians have made him out to be: "He was reserved but in no way aloof, and was pleased to propose a toast, share in a song, or buy a round of drinks in the City Tavern."

When Washington's work was done, his spiritual heir, Alexander Hamilton—an archetypal "positive hustler" in McDougall's sense—took the country in hand. America could not prosper, Hamilton believed, unless "people could be scared, bribed, bullied, or duped" into supporting a stronger national government. Hamilton was one of the "smart lawyers" who worked to make "vice the servant of virtue." Together with that other intellectual Young Turk, James Madison (who brazenly challenged the political maxim that large republics are doomed to fail), Hamilton devised "a political counterpart to Adam Smith's 'invisible hand.'" McDougall's phrasing, mentioned above, is that the Constitution and the *Federalist Papers* made "corruption creative." McDougall takes Madison's insight in *Federalist* 10—the notion that rigid virtue is not a prerequisite for a stable free state—and applies it to a large swath of American history in an ingenious and highly origi-

Mr. Beran is the author of *Jefferson's Demons*.

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SUN/Nov. 14	Half Moon Cay	8:00 AM	4:00 PM	morning Catholic Mass evening cocktail reception
MON/Nov. 15	AT SEA			morning/afternoon seminars late-night smoker
TUES/Nov. 16	St. Thomas, USVI	8:00 AM	12 Midnight	
WED/Nov. 17	Tortola, BVI	7:00 AM	6:00 PM	evening cocktail reception
THURS/Nov. 18	AT SEA			morning/afternoon seminars late-night smoker
FRI/Nov. 19	Nassau, Bahamas	12 Noon	7:00 PM	morning seminar evening cocktail reception
SAT/Nov. 20	Ft. Lauderdale	8:00AM		

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nal way. For McDougall, the ideal state does not so much suppress the hustling energies of its people as channel them usefully.

This is all fair enough: but at times McDougall stretches the concept of the hustler to the point where it becomes a word game. Aaron Burr, though he is, for McDougall, a brilliant hustler, "impervious to danger" and willing to take risks, is also, we are told, a "negative" hustler: His "corruption was never creative, never devoted to the service of the nation at large." But doesn't hustling in the "service of the nation at large" sound a lot like virtue? Surely McDougall is right to follow the Federalists in arguing that corruption—acquisitiveness, selfishness, the hustler's urge to stick it to his fellows—can be "creative." But there is a reason our myths—from Washington's cherry tree to the customer's pennies Lincoln walked a mile to return—celebrate probity and incorruptibility. A phrase like the "moral imagination" may be a little threadbare now, and virtue is often a cloak for hypocrisy; but when we find the aging Henry Stimson becoming impatient with FDR's ceaseless shenanigans ("I will not be lied to, Mr. President"), we root for Stimson, not the dissembling commander-in-chief. Hustling has its limits.

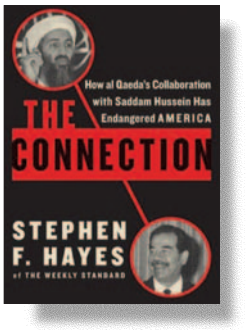
It is perhaps inevitable that an iconoclastic history like McDougall's should exhibit hustling qualities of its own. In emphasizing the usefulness of the hustler, McDougall exaggerates the fecklessness of the non-hustler. Thomas Jefferson—at least in the early phases of his career—is the patron saint of the non-hustlers. He was not a go-getter: He was, McDougall writes, "bashful," he shrank "from combat whether martial or verbal," he was a malingerer who feigned "illness to avoid public debate." He inherited a fortune instead of making one himself; and what he inherited he squandered on self-indulgent luxuries. McDougall finds even Jefferson's greatest achievement, the Declaration of Independence, to be derivative and without the hustler's panache. The "original passages in Jefferson's draft declaration," he writes, "are not good," while the "good ones" are not original. In viewing America's commercial spirit with trepidation, Jefferson and John Adams "missed part of what their countrymen were about."

Only in the latter part of his life, when his natural shiftiness enabled him to become "simply the best politician in the early Republic," does McDougall's Jefferson attain the status of a hustler and a "model American." Yet if we follow McDougall and drum the early, prepartisan Jefferson out of the roll call of model Americans, we must reject a lot of other folks too. Surely Emerson must go. The founder of America's self-reliance racket was only superficially an intellectual on the make: Emerson's soul was as deep as that of a Brahmin of Benares. But McDougall's formula leaves little room for America's non-hustling idealists, its soul-probers, its spiritual agonizers—for the Emerson who adored the "over-soul" and the Jefferson who made Monticello into a temple of the spirit.

If you kick the early Jefferson out of the American pantheon and banish the yogi Emerson, then Herman Melville must go as well: He couldn't have balanced a checkbook had his life depended on it. Out, too, goes much of the Adams family and (after the fortune was made) most of the Jameses. No amount of word-twisting can turn Hawthorne, Thoreau, or T. S. Eliot into hustling sharps. Even Hemingway—who might seem to embody the hustler-as-author—is only superficially a trickster: Jake Barnes, with his war wound, can't hustle women—or anything else. *The Sun Also Rises* is as much a portrait of an American cast out of hustlerdom as *The Education of Henry Adams* is a picture of an American who was never able to enter it in the first place.

True, advocates of McDougall's theory can always point to Norman Mailer, the great contemporary example of an American artist who is purely a con man. But McDougall himself would doubtless prefer to defend his theory of the virtues of the hustler in a different way—by arguing that America's non-hustling geniuses were free to agonize and create precisely because their ancestors did their hustling for them. Hustling may not be enough to make a country great; but in this big, ambitious book McDougall makes a valid point when he says that without hustlers we would not have a country at all. NR

Connected



The Connection: How al Qaeda's Collaboration with Saddam Hussein Has Endangered America, by Stephen F. Hayes (HarperCollins, 224 pp., $19.95)

ANDREW C. McCARTHY

"Panel Finds No Qaeda-Iraq Tie," screamed the *New York Times* headline. The *Times* could not have been more wrong. The 9/11 Commission staff had released a report containing an offhand paragraph that appeared to undermine the notion of any meaningful relationship between Saddam Hussein's regime and Osama bin Laden's international terrorist network. But even the commission staff grudgingly acknowledged that there *had* been contacts, though it left the impression these had been unconsummated dalliances.

It's a shame that neither the *Times* nor the commission seems to have read Stephen F. Hayes's revelatory new book, *The Connection*. Hayes, a *Weekly Standard* staff writer, has for months tirelessly probed the shadowy relations between Iraq and al-Qaeda. The bottom line of his fast-paced eye-opener is that the "Qaeda-Iraq tie" is established by overwhelming evidence, and posed a serious threat to the United States.

Its roots date back to 1990, shortly after the Islamist coup that converted Sudan into a terrorist haven to which bin Laden would move his fledgling al-Qaeda. Saddam had invaded Kuwait, and found himself under siege by a U.S.-led coalition—which in turn provoked Sudanese Islamist leader Hassan al-Turabi, bin Laden, and others to

Mr. McCarthy led the 1995 prosecution of the terrorist, Sheik Omar Abdel Rahman.

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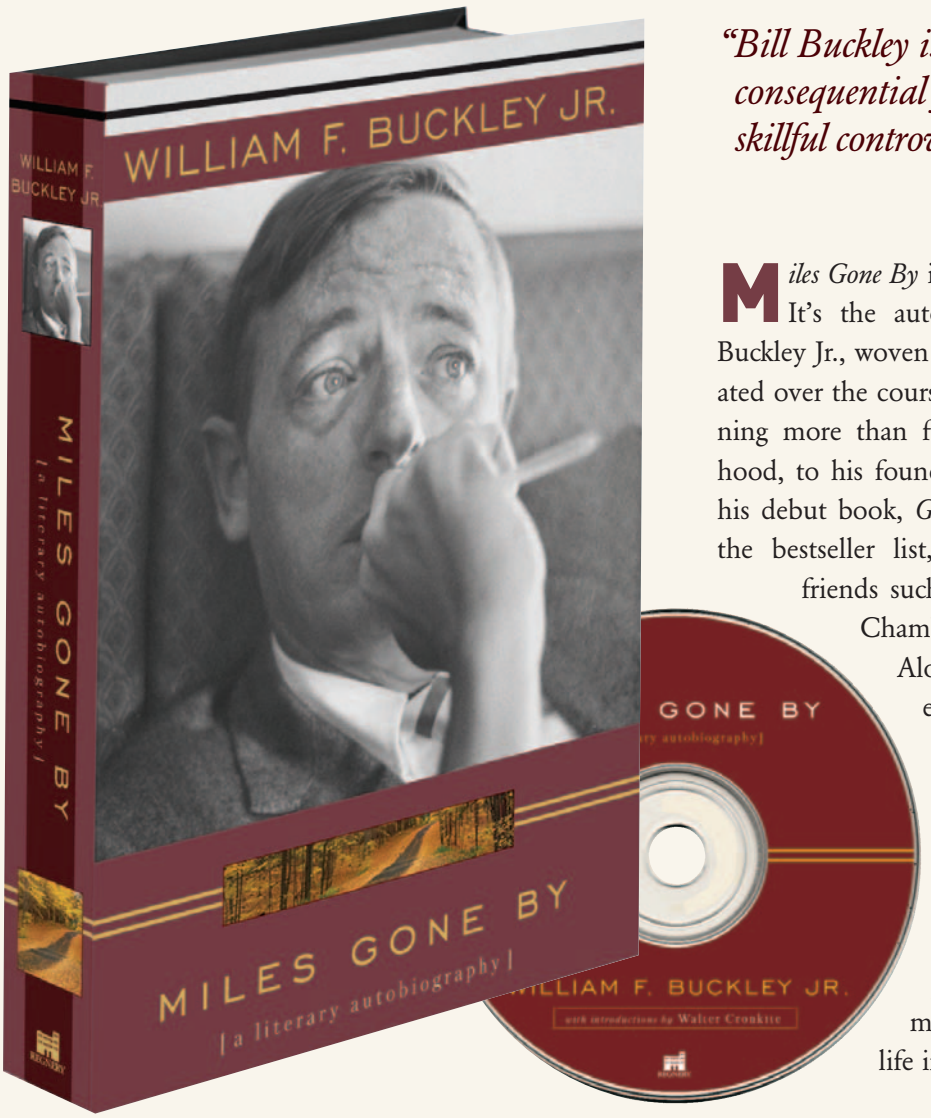

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begin calling for worldwide jihad. Turabi embraced Saddam and brokered an uneasy accommodation between Iraq and the militants—inducing the secular Baathist to incorporate elements of Islamic sharia into Iraqi law, while convincing wary militants that aligning with Saddam was a necessary evil.

It worked. Iraqi Intelligence Service (IIS) records recovered last year reveal that, by 1992, bin Laden was already regarded as an IIS asset, while Saddam was hosting Ayman al-Zawahiri of Egyptian Islamic Jihad—who would later become bin Laden's second-in-command. By 1994, the two sides came to an understanding: Al-Qaeda would not work against Iraq, but would cooperate with it on some projects, including weapons development. IIS provided al-Qaeda with phony passports; Iraq also set up secret training camps for terrorists, where the IIS special-operations division provided schooling in assassination and hijacking.

If these early contacts now appear jarring, it owes to the verve with which the anti-Bush, anti–Iraq-war propagandists have whitewashed Saddam's promotion of terrorism—a history that, Hayes recounts, was once a staple of Clinton-administration rhetoric, and led one defector (an IIS terrorist-trainer) to observe that "Saddam is the father and the grandfather of terrorists."

Hayes convincingly dispels the myth that a "heathen" like Saddam could never have made common cause with radical Muslims. Saddam was more an opportunist than a committed secularist. In the 1990s, as necessity drove him further into the arms of militants, he energetically countered that secularist image, infusing his speeches with jihadist fire and assiduously courting radicals through "Popular Islamic Conferences" that brought together the most vicious militant organizations on earth.

Bin Laden himself is equal parts zealot and realist. The hazards of knitting together a fractious international terrorist network, one grounded more on hatred of the U.S. than ideological consistency, have often impelled him to strike strategic deals with the likes of Turabi (more modernist than bin Laden) and Hezbollah (Shiites, whom radical Sunnis like bin Laden have historically despised). Entanglements with Saddam were well within the parameters of practical entente. But each side had great incentives for keeping the dealings secret: Saddam sought to avoid a ruinous confrontation with the U.S., and bin Laden needed to keep his global confederation together.

In early February 1998, Zawahiri was in Iraq, negotiating training arrangements and collecting $300,000 from the IIS. Saddam, meanwhile, was making a mockery of weapons inspections, prompting a warning from President Clinton on February 17 against a "rogue state with weapons of mass destruction ready to use them or provide them to terrorists." Two days later, the IIS was finalizing arrangements for a visit to Baghdad by a trusted envoy of bin Laden. The envoy arrived in early March, about two weeks after bin Laden issued his infamous fatwa calling on Muslims to murder Americans, including civilians, worldwide.

Al-Qaeda was then plotting the bombings of the American embassies in Kenya and Tanzania, which occurred on August 7, 1998—an operation that inspired Saddam's son, Uday, to publish an editorial lionizing bin Laden as "an Arab and Islamic hero." In Pakistan and Afghanistan, where al-Qaeda had relocated under the protection of the Taliban, high-level IIS officials were dispatched to meet with bin Laden. In the Czech Republic, Saddam instructed an IIS operative to recruit Islamic militants for a bombing operation against an American target: Radio Free Europe in Prague. That plot stalled when the IIS operative defected, but fears of its revival stirred when the operative's replacement, Ahmed al-Ani, was surveilled casing the target.

Al-Ani is center stage in one of the two most fascinating Iraq/Qaeda intersections, both of which raise the specter of complicity in the 9/11 attacks. Czech intelligence has developed powerful evidence of a meeting between al-Ani and the lead hijacker, Mohamed Atta, in Prague in April 2001. That evidence—an eyewitness identification of Atta coupled with a corroborating entry in al-Ani's calendar—continues to be attacked by naysayers. But the doubters have no convincing rejoinder to an indisputable fact: The preceding year, Atta traveled to Prague twice within a matter of days under very suspicious circumstances immediately prior to entering the U.S. to begin preparations for the suicide hijackings.

The other startling 9/11 implication involves Ahmed Hikmat Shakir. Military records uncovered since Saddam's fall appear to indicate that Shakir was a lieutenant colonel in Saddam's elite Fedayeen. In 1999, he was assigned by IIS to Malaysian Airlines as a "greeter"—a functionary who assists VIPs through the airport customs process. The VIP Shakir was dispatched to help on January 5, 2000, was Khalid al-Midhar, one of the eventual 9/11 hijackers. As Hayes details, Shakir not only helped Midhar through customs but accompanied him to a three-day meeting, attended by Qaeda operational leaders, that appears to have been a planning session for both the 9/11 attacks and the October 2000 bombing of the USS *Cole*. Following the meeting, Midhar headed to the U.S. to prepare for the suicide hijackings; Shakir returned to work for two days and then never went back again.

When Shakir was detained in Qatar six days after 9/11, he possessed contact information for major Qaeda-linked terrorists. Upon being released, he tried to return to Baghdad but was stopped at his connection in Jordan. There, he was held for months and made available to the CIA. The Jordanians, meanwhile, came under heavy pressure from Saddam's regime to return Shakir to Iraq. The CIA unwisely agreed to a Jordanian suggestion that Shakir be released.

The truth of the Iraq/Qaeda relationship has been murkier than necessary because of the failures of the U.S. intelligence community, components of which rejected even the possibility of collaboration and now instinctively belittle each new revelation instead of reexamining their premises. What was Atta doing in Prague, and Shakir in Malaysia? In light of al-Qaeda's singular dedication to attacking the U.S., why would it repeatedly take the time for summits with high-ranking Iraqi officials? What are we to make of northern Iraq's Qaeda affiliate, Ansar al-Islam, which has played a crucial role in anti-Coalition terrorism, and has featured the combined efforts of Qaeda associates and high-ranking officials of the deposed regime? Stephen Hayes has performed an invaluable service in demonstrating just how salient these questions are. It is time for the intelligence community and the media to start answering them. **NR**

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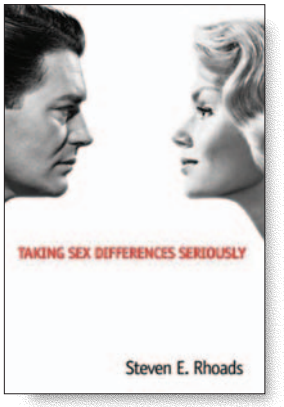

Taking Sex Differences Seriously,
by Steven E. Rhoads
(Encounter, 374 pp., $27.95)

ALLAN CARLSON

SHORTLY after the Lewinsky scandal broke, *Time* White House reporter Nina Burleigh confessed in *Mirabella* magazine that she, too, had once caught the president admiring her legs. The episode was "seductive" and "flattering," Burleigh later said, and she admitted that she would gladly have performed for him as Monica had done, if only asked. A chorus of other prominent female writers quickly volunteered their services, as well. This led *New York Times* columnist Maureen Dowd to fume about "feminist erotic journalism," a field in which presumably independent women "pant for power. They crave *droit du seigneur. Take me! Take me!*"

It's the way to attract beautiful women, Henry Kissinger is said to have replied when asked why he sought high public office. Indeed, "power [in men] *is* an aphrodisiac" for the female sex, reports Steven Rhoads in this new book. He points to other cases of feminist icons surrendering to powerful men: Jane Fonda submitting to the "strong, domineering" Ted Turner; Simone de Beauvoir, author of *The Second Sex*, serving as mistress, cook, manager, nurse, and—eventually—pimp for the insufferable Jean-Paul Sartre. So does human nature trump ideology. However, the phenomenon does not work the other way. As the author notes, "power does not increase the sex appeal of former attorney general Janet Reno or of Senator Dianne Feinstein."

Rhoads explores thousands of comparable examples of sex differences in this provocative, compelling, entertaining book. A professor of public policy at the University of Virginia, Rhoads weaves together the findings of hundreds of new research studies with personal anecdotes in a lively refutation of 40 years of feminist cant. While polite, even generous, toward his intellectual opponents, Rhoads still reveals "the androgynous project" to be nothing less than "misogynist." Relying heavily on the insights of social biology and evolutionary psychology, he shows the differences between men and women to be natural, "hard wired," and fundamental to the survival and progress of the human race.

"The culture wars," Rhoads notes with some justice, "are really about the role of women." He shows that while men are all about the same when it comes to the masculine traits of competitiveness, aggression, and dominance (even "computer nerds" enjoy the frenzied clashes of "BattleBots"), women are divided into two camps: a majority who are traditionally feminine with a yearning for nest-building and children; and a minority, exposed to higher levels of testosterone, who show more male attributes. The tension between these two kinds of women becomes a recurring theme in the book.

All the same, the profound differences between the two sexes are the author's primary story. For example, the human hormone, oxytocin, is "the kindest of natural opiates," but it operates differently on the sexes. Men experience it at the moment of sexual release. Women, though, feel the same euphoric exhilaration while breastfeeding. Indeed, some of the oxytocin reaches the child through the breast milk. This creates a special bond between mother and child in which they become "one continually interacting, merged organism" with "a pleasant fog descend[ing] upon the brain."

No "Mr. Mom" can replicate this experience. Indeed, Rhoads shows that despite the media hype, there are actually few such men around. In candid surveys, even the best-earning, highest-status women reject role reversal in favor of a partner who is superior in power, earnings, and status. So too

Mr. Carlson is president of the Howard Center in Illinois and distinguished fellow in family policy studies at the Family Research Council. His books include *The 'American Way': Family and Community in the Shaping of the American Identity* (ISI).

MAJOR GENERAL SICKLES VISITS
THE ARMY MEDICAL MUSEUM, JULY 1904

"That's Daniel Sickles come to see his bones,
As oft he does. Old soldiers love to tell
You pups about the War. Not he, though well
He could. At Gettysburg, amid the moans
Of dying men, the stench of fear, the groans
Of boys as young as you, a private hell
Began for him. His leg was shot. He fell—
And mixed his famous blood with the unknowns'.
Those bones are his. Where now a gnarled peg
Supports old flesh, a youthful limb was torn
Out of its joint, and now lies here. In truth,
He does not come to mourn the sundered leg
Long lost. But with that leg that morn
Long past at Gettysburg—there died his youth."

—ERIC CHEVLEN

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among female academics. Homemaking men are simply not sexually attractive to women.

A return to traditional "breadwinner"/"homemaker" homes, the author implies, would be of benefit to children. Fewer work hours by mothers increase student achievement; fewer work hours by fathers decrease it. Similarly, high maternal job satisfaction is linked to lower psychological well-being of daughters, while a higher level of job satisfaction among fathers is tied to the psychological health of daughters.

Psychological differences between the sexes, Rhoads argues, reach back to the origin of the species, in the "environment of evolutionary adaptation." During the "hunter/gatherer" period, women did the foraging and became better at spatial memory and the expression of emotion. Women's brains have more neurons connecting the left and right hemispheres; positron emission topography shows women to use more neurons for every activity undertaken. Men's brains, meanwhile, are more compartmentalized, designed for single-minded tasks such as "the hunt," or the hostile corporate takeover. Even eyesight shows important differences: Women have better night vision, to feed and care for "teary infants in the moonless grass," it appears. For their part, men have superior day vision, essential to success in battle and the acquisition of game.

Still, some feminists would acknowledge all this and respond: "So what? Such differences no longer have relevance in the modern world and pale alongside the imperative for democratic equality." Rhoads disagrees. He points to numerous areas where wise public policy would recognize and build on sex differences. Regarding day care, for example, Rhoads reports that "two-career families who put children in subsidized day care apparently produce a near tripling of the odds that these children will be disobedient and aggressive—hardly a trend the government should support financially." Instead, he urges a generous tax benefit for the parents of young children if one parent (predictably the mother) stays home.

Regarding Title IX and athletics, the author skewers those bureaucrats who deny "sport" status to cheerleading (which involved 64,000 willing high-school girls in 1994) while pushing girls into NCAA "emerging sports" such as ice hockey (only 200 high-school girls nationwide). More broadly, Title IX has become "a pernicious form of social engineering," assaulting the nature of young women and subverting male sports programs such as wrestling. New research shows that it is through sports that men, much more than women, gain friends and channel potentially destructive energy toward positive ends. Rhoads concludes: "Only when we begin to take sex differences seriously enough to see that men are intrinsically more attracted to sports—and need sports competition more than women do—will we be able to design public policies that are just, functional, and sensible."

A return to traditional 'breadwinner'/ 'homemaker' homes would be of benefit to children.

The feminist cause is floundering. Recent polls show that most women believe that feminism has made it harder, not easier, to combine jobs and families. A 1998 survey reports that five times as many men *and* women believe that "changing gender roles" have made it more difficult for marriages to succeed as believe these changes have made it easier. Says Rhoads: Today, just as 40 years ago, truly "happy women usually rule indirectly"—allowing their husbands to believe they are the "head of household." After all the commotion, not much has really changed.

Rhoads shows that men bound to homes as husbands and fathers are vital to the healthy development of children. Female power is of another, subtler order, the force that crafts relationships, forges family bonds, and creates societies. Grounded in these truths, *Taking Sex Differences Seriously* should help to restore social sanity to a nation still disoriented by extended exposure to feminist ideology. **NR**

■ MUSIC ■

Prima Donnas, All Around

JAY NORDLINGER

Deborah Voigt made a little news last March, and not just musical news: Word leaked that she'd been sacked from a production of Richard Strauss's *Ariadne auf Naxos* at Covent Garden. The casting director, we learned, had decided that he wanted his soprano in a little black cocktail dress—and Voigt doesn't have the kind of figure that accommodates such a garment. Who cared that she is probably the best Strauss singer in the world, and that she owns the role in question?

Dressgate was a story worldwide, and Voigt responded with her typical aplomb, joking, deflecting. She is a magnificent personality, this 40-something American, as well as a magnificent singer. If anything, Dressgate boosted her fame, and earned her greater public sympathy. In April, the crowd at Carnegie Hall—gathered for a Voigt recital—greeted her thunderously. And one of her encores was a novelty song in which she inserted a quip about a "little black dress."

She has now released a CD of opera arias and scenes, called *Obsessions* (on EMI Classics). Never mind the silly title: Record companies are doing that these days, in an effort to be sexy (or something). What we have here is a kind of Best of Debbie, as she traverses Wagner and Strauss. She gives samples of the roles in which she is most celebrated. Among the Wagner roles are Sieglinde and Isolde; among the Strauss ones are the Prima Donna—that chick from *Ariadne*—and Salome. So, the guy in London considered Voigt too fat for *Ariadne*. Maybe she should strip naked as Salome, à la Karita Mattila (the glamorous Finn) at the Met last season!

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On this CD, the Voigt refulgence is duly present, coming from a voice that is one of the wonders of the universe. This voice combines great lyricism and great power. Toscanini said, famously, that you get a voice like Marian Anderson's once a century. You get a voice like Deborah Voigt's . . . well, rarely. In addition, she has a superior technique, and what can only be described as musical intelligence—an instinct for what to do with the notes on the page.

Because of the state of the recording industry—particularly in America—complete operas appear seldom now. It would be a shame if we never had a complete Isolde from Voigt, or a complete Prima Donna. But at least she has recorded these excerpts for posterity. Sir Richard Armstrong, the conductor, and the Bavarian Radio Symphony Orchestra collaborate ably.

■ It is somewhat astonishing to think of Evgeny Kissin in his 30s, for it seems only yesterday that he was the stoic boy in a Young Pioneer scarf. That was the Soviet Union, and now this Russian pianist is a fixture on the international concert circuit. He is known for pyrotechnics, but his new CD (RCA Red Seal) features one of the most profound of all piano works, Schubert's Sonata in B flat, Op. posth. No pianistic career is complete without a traversal of this sonata, and Kissin has now done his part.

He has done it awkwardly, however. This awkwardness is seen (or heard) in the opening measures: He stretches out those measures annoyingly, indulging in funny pauses and balky rhythms. As he continues, he is no less "personal" (to use a polite word). You would hesitate to play a Chopin nocturne this way. It perhaps goes without saying that Kissin does some things well: He makes a beautiful sound, for example (although you can never really trust a recording). But because of his idiosyncrasy of rhythm and other interpretive peculiarities, the opening movement is close to unlistenable.

He does better in the slow movement that follows, keeping, for example, a fairly steady pulse, which is essential here. But this movement is a little slow, and also a bit pompous. Since it is self-conscious from the beginning—"ATTENTION: IMMORTAL MUSIC BEING PLAYED!"—it doesn't build as it should. Also, Kissin has a habit of jabbing his way through melodic lines, which is most unattractive. The Scherzo, thankfully, is sprightly, crisp, and engaging. But in the fourth movement, Kissin is back to his old tricks, distorting rhythms and clipping notes and phrases. This is a weird B flat Op. posth., not one to give to the kiddies (as a model). But, Kissin being Kissin, it is not without a certain musical conviction.

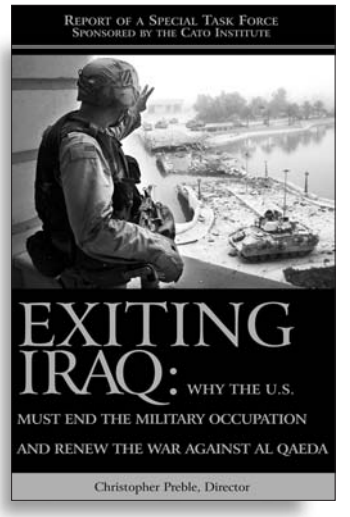
The pianist goes on to, not Schubert, not Liszt, but Schubert-Liszt, which is to say transcriptions by Liszt of Schubert songs. He begins with "Ständchen," that beloved serenade in D minor. Kissin handles it nicely, although with his usual tics. "Das Wandern" is lively, but bizarrely detached—staccatoed-up. A genuine pleasure, however, is "Aufenthalt," which the pianist renders with due grandeur, making it a real piano piece, not just a transcribed song.

At the end of the CD, we get Liszt alone, one of his most popular pieces, the Mephisto Waltz No. 1, which Kissin performs dashingly. To be sure, he is not without his little hesitations and other oddities, but these are far less harmful than in, for example, the Schubert sonata. And, for my money, the slow sections of the Waltz are too slow, bogging down the piece as a whole. But I am reminded of a verity I have known about Kissin ever since he emerged on the scene: Even if he drives you nuts, he commands your attention.

■ Another early-30s musician who commands your attention is Matt Haimovitz, the Israeli-born cellist. Several years

"I sent American troops to Iraq to defend our security, not to stay as an occupying power."

—President George W. Bush


Report of a Special Task Force
Sponsored by the Cato Institute
EXITING IRAQ: WHY THE U.S. MUST END THE MILITARY OCCUPATION AND RENEW THE WAR AGAINST AL QAEDA
Christopher Preble, Director

A special task force of scholars and policy experts examines the continuing U.S. occupation of Iraq and calls into question the Bush administration's intention to "stay as long as necessary." They argue that the presence of troops in Iraq distracts attention from fighting Al Qaeda and incites a new class of terrorists to take up arms against the United States. In this report, they chart a path for a prompt withdrawal. The task force's findings are essential reading for anyone concerned with the ongoing conflict and the war on terrorism.

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ago, he made sort of a show of dropping out of the concert world—that is, of the traditional concert world. Now he prides himself on playing unconventional repertory, and on playing it in unconventional venues, such as pubs. No formal dress for him; he'd rather perform in a sweaty T-shirt.

Disgusted with the mainstream labels, he formed his own record company, Oxingale—and we now have from it a Haimovitz anthology, a compilation of his recordings over the last five years. You can't help noticing that Haimovitz is somewhat in love with his persona: On the cover, his (sweating) face is bent Byronically, and another photo, on that same cover, shows him with his eyes closed, the Meditating Artist. He is to music what Ethan Hawke is to the movies: an "indie" pin-up.

So too, the liner notes are full of paeans to himself, which, really, ought to embarrass him—he is the owner of the company. He is so "original," so "gutsy," so "indispensable"—our "bard." I am reminded of a recent book title: "Shut Up and Sing" (or play). Haimovitz may consider himself a concert-world dropout, but I doubt that the vainest soprano is so preening.

If his dress, repertory, and touring schedule are unconventional, so is his playing. His rendering of the Bach Suites, for example, is wildly subjective, grossly undisciplined. When this recording first came out, I said that Haimovitz made Pablo Casals look like a stickler. On the new CD (called, incidentally, *Please welcome . . . Matt Haimovitz*—nice ellipsis!), we hear the Suite No. 2 in D minor, and then a piece called *Begin Again Again . . .* (another ellipsis!) by the Boston-based composer Tod Machover. It is for "hypercello," which is to say a cello transformed by computers. The liner notes call Machover's work "a historic masterpiece." It is, er, something else. It is an interesting experimental piece, which, nonetheless, sounds like a million others: fussy, busy, neurotic.

Later on, we get a version of the National Anthem, inspired by Jimi Hendrix, in which the cellist slurs, growls, emotes. The liner notes quote Haimovitz to the effect that "I have an incredible fear of where our political leadership is taking us." One senses that he does not mean Kerry. And then—in the ultimate bow to trendiness—we get an arrangement of a piece by Hildegard von Bingen, the 12th-century German abbess who has been all the rage for about ten years, thanks to her "visionary genius," etc. (Did I mention she was a woman?)

You may have noticed that I have remarked on things that have little to do with music. That's because Haimovitz has cluttered his career with the superfluous. He is into gimmicks, and hype—endless hype, which he seems to pretend he has escaped from. The sad part is, he is a superb cellist: lavishly talented, loaded with technique, full of imagination. His recording of the Bach Suites may be horrifying—talk about not showing something to the kiddies!—but it is filled with musicality (however misdirected). That is more important than all his antics, his political statements, his much-vaunted pub gigs.

Savor an example of the arrogance of this guy and his crew: His liner notes say, "They [Haimovitz and his wife, Luna Pearl Woolf, co-founder of Oxingale Records] never thought they'd release a compilation CD until the marketing wizards at Artemis [their distributor] sweet-talked them into compromising their artistic integrity in order to meet the retail outlets halfway."

Oh, come off it: "artistic integrity." Haimovitz et al. are rather like the organic-foods people, holier-than-thou, insufferable. The cellist may think that the concert world is dead —but the concert world will outlive him, and Haimovitz, if he is remembered, will be remembered for what he did in a serious vein. How did he play the Haydn concertos, for example? That will mean more than any number of Jimi Hendrix cuts. Matt Haimovitz is a first-rate musician. That should be enough. Shut up and play, indeed.

And play in Carnegie Hall, for heaven's sake! **NR**

■ MUSIC II ■

Innocence: A Broad

MICHAEL POTEMRA

Let me make one thing clear from the outset: I have never been a great fan of Madonna's music. No, I have always admired her chiefly for her work as a role model for America's young people.

I say this not entirely in jest: Here's a woman who started out in the Go-Go's/Bangles/Duran Duran era as a scantily clad pop singer in racy music videos. Now here she is, 20 years later: a devoted mother who believes in teaching her children manners, a successful children's-book author, a multimillionairess—and, well, okay, still a scantily clad pop singer in racy music videos. But you see my point: Unlike many others, Madonna has *lasted*—and that's a sign as much of fortitude as of talent.

I joined a just-about-capacity crowd at Madison Square Garden for the first night of the New York installment of her Re-Invention World Tour. The day's paper had reported balky sales for the concert; but by the time Madonna began her set there were few if any empty seats. The crowd is an interesting demographic mix—about evenly divided among teens, young adults, and thirty- and forty-somethings; roughly a third of the audience, therefore, had not been born when "Borderline," her first Top Ten hit, came out in 1984.

Even more surprising is how *Republican* the crowd looks, and acts: The vast majority have the demeanor of wholesome, well-groomed suburbanites. The last rock concert I attended was the Grateful Dead, a couple of decades ago; the audience for Madonna looks more like Oprah's people than Jerry Garcia's. Just about the only person advertising decadence here is yours truly, as I peer at the spectacle through 19th-century antique French opera glasses. (They were a last-minute loan from Jay Nordlinger, when I discovered—shortly before leaving NR headquarters for the concert—that I had

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left my middle-class, cloth-coat, red-state Eddie Bauer binoculars at home.)

Everyone chats politely (topic for the guys behind me: mutual funds), until showtime; at which point the sound system starts up, with the intonation of verses from the Book of Revelation: "Behold the dwelling of God is with men . . . God will wipe away every tear from their eyes . . . the lake that burns with fire . . . Behold, I am coming soon." After this invocation, the congregation rises in unison to greet the celebrant, who starts her performance with "Vogue."

ALBERT FERREIRA/REUTERS JUNE 16, 2004

Nor does the concert's ritualistic aspect end there. At a Madonna show, as in a Byzantine-rite liturgy, it is apparently the custom for all present to remain standing from start to finish. (The exceptions prove the rule: There are a handful of ballad-ish songs during which virtually *everyone* sits down, with a near-Stepford level of speedy conformity.) There are times when the star performer sings solo, and also prescribed times when the audience sings along with her—without need of a crib sheet for the lyrics. Different sections of the audience cheer with added volume as Madonna moves across the stage ("Wow! She's making pelvic thrusts toward *our* side of the arena now!").

The songs are a balanced combination of the old hits—"Material Girl," "Papa Don't Preach," "Into the Groove"—and newer material, including "Music," "American Life," and "Nobody Knows Me." Madonna puts as much energy into belting out the oldies as she does into the more recent songs, and this must account for a great part of her appeal. Take, for example, her performance of "Express Yourself," which she can still sell very effectively 15 years after its first appearance. "Don't go for second best, baby," she proclaims, "put your love to the test . . . Make him express how he feels / And maybe then you'll know your love is real." This is a perfect example of the kind of pop lyric that fails completely on the page, and would fail just as abjectly in concert if the performer didn't give it the necessary drive. Madonna is up to the task: Some 20,000 people chant very enthusiastically right along with her that they're not going to go for second best, baby, even though—to be absurdly literalistic about it—19,999 of us will in fact have to settle for second best, or third best, and so on. What she puts across, very convincingly, is a democracy of aspiration: Go for the gold; be all that you can be; it's morning in America. That this woman became a huge star in the 1980s is no accident.

Her performance, in this regard, contradicts her politics—about which she is notoriously outspoken and entirely vacuous. She takes a moment out of the show to declare that she "just last night had the privilege" of seeing Michael Moore's new anti-Bush movie, *Fahrenheit 9/11*, and that it made her cry "more than any other movie" she'd ever seen. (I don't doubt that this is an appropriate, if overemotional, response to that film; though my reasons for shedding tears would be different from hers.) Her concise polemic is greeted with polite cheers, and a couple of boos—which prompt the audience to still louder cheers. This reaction seems less a frenzy of you-go-girl-speak-truth-to-power than a warmhearted defense of a dotty relative: *Hey, I know she's a little nutty but if you make fun of my Aunt Madge in public, boy, I oughta just punch your lights out.*

This political moment in mid-concert seems formalistic, a convention of the genre; as the lady herself has said, "Strike a pose; there's nothing to it." And, after her heartfelt cover of John Lennon's "Imagine," that moment is over; we've imagined what it would be like to have a world without countries, and now—if we are politically engaged—we return to thinking about the world as it really exists, and how we can implore al-Qaeda to go along with our fantasy of a world without bloodshed. Fortunately, we have little time for pesky questions like that, because our star launches into "Crazy for You," which she turns—by a few introductory comments—into a love letter of gratitude to her fans for sticking with her for 20 years.

She closes with an unusually anthemic rendition of her sparkly old hit "Holiday," which is greeted by huge flurries of confetti from the ceiling of Madison Square Garden—which makes my imagination fast-forward to a couple of months from now. In September, confetti and balloons will shower down on this very same stage, as President Bush accepts the GOP nomination for a second term. Incongruous? Not if you listen, beneath the melodies, to the deeper harmonies. **NR**

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■ CITY DESK ■

Soul on Ice

RICHARD BROOKHISER

As the song says, "*All around, people looking half-dead / Walking on the sidewalk hotter than a match-head.*" We expect the sidewalks of New York to heat up as summer comes on. But then, we expect to be able to retreat to our air-conditioned apartments—unless, that is, we live in one of those apartment buildings where the turning wheel of the seasons is marked by the failure of the central air conditioning (now), or the failure of the central heating (six months from now). Our ancestors marked the progress of the year by the zodiac, by the complementary length of day and night, and by the behavior of birds and beasts. New Yorkers mark it by the maneuvers of their landlords.

It could be a coincidence that the AC shuts down as soon as it gets hot, and the heat shuts down as soon as it gets cold. It could be a string of coin flips, all, by pure chance, coming up heads (rare events, statisticians remind us, do happen—rarely). It could also be that the gremlins of disorder gnaw away at the infrastructure of apartment buildings all year round, and that their depredations manifest themselves only when there is a demand for the services they have short-circuited. It could be. But it could also be (and as New Yorkers, we incline to this opinion) that landlords, looking to pick up a few expense-free days wherever they can, defer repairs until June and December.

Up pops the economist to explain why this should be so. In a market where supply and demand interacted freely, like 20-year-olds in a bar, landlords eager to collect top-dollar rents would strive to please their tenants, making sure that intercoms worked, that elevators went up and down, and that finicky mankind could make its dwelling places warm or cool at will. But where rents are controlled, as they are in New York, landlords view services as handouts to bloodsuckers. Their meanness, in turn, allows tenants to feel no qualms about gouging them. The impacted landlord-tenant relationship, and the others like it that permeate New York life, give us standing to lecture George W. Bush and other Texans on morality.

So much for the world. In the short run, we must cool off. That means buying an air conditioner.

The merchant, anticipating our arrival, has stacked his air conditioners in banks by the front door, their tags and boxes done in soothing shades of light blue and green. Watched by ten samurai Tom Cruises, gazing from the wide-screen televisions, we make our choice. The suburbanite can store his hibernating air conditioner in the closets, basements, attics, and garages that he allots for stuff; we must be more discriminating. So, while the Toothchatterer was on sale for $119, the Toefreezer, which sold for $149, was two inches less wide and an inch and a half less deep. After a warranty, taxes, and a cab ride had added $70 more, we brought salvation home.

There was one more expense. An amateur can park air conditioners in ground-floor windows where, if they fall, they would only crush an ant hill. But, living on the 14th floor, we risk some disaster that would be memorialized in the tabloids—FATAL FAN IN HORROR PLUNGE, or, if the victim were only maimed, KNOCKED OUT COLD. So we called the porter and, for a gratefully given tip, with screws and duct tape he made all right.

The result of our labors is a greenish yellow temperature read-out, which adds one more unsleeping electronic eye to bedroom darkness; a hoarse tenor sigh, which adds one more layer of sound to the ambient ambulances, fire trucks, police cars, boom boxes, and drunks; and the coolness. The coolness of air conditioning is not a positive pleasure, like a breeze, only an absence of annoyance. But what an annoyance, what a necessary absence.

Taxis generally manage air conditioning no better than apartment buildings, and for similar reasons. Putting on the AC consumes gas, which the individual cabbies pay for out of their own pockets. Ahmed, whose cab has an air outlet at the bottom of the back seat, explains that the units that cool from the top of the Plexiglas divider are better. Sandip, who has a unit at the top, says that the outlets at the bottom are better. Rolling down the windows gives you moving hot air—variety of oppression, not relief. My work space—not my desk in my bedroom, but my cubicle at this magazine—is equally bad. The central fan for the office hangs over my head; when our AC is working, the unit has to be covered with taped-up pieces of computer paper, to prevent hypothermia.

Only my gym knows what it is doing. Here, discomfort would be acute, and clients have choices. So, although it is a three-story walk-up, and the locker room looks like the Abu Ghraib prison, and the ceiling is pressed tin laminated by multiple repaintings, the AC never quits, and the only sweat comes from drop sets and cardio.

New York has been trying to beat the heat for a long time. Henry James wrote, in *The American Scene* (1907), of "the assault of the turbid air" here. A century before that, Alexander Hamilton built himself a house, ten miles north of town. "A garden, you know," he wrote a friend, "is a very usual refuge of a disappointed politician." He called it the Grange, after a plantation he had known in his Caribbean youth, and after the Scottish country house of his deadbeat dad's gentry family (foolish pride—wasn't a nation enough?). It still stands, on Convent Avenue, between 141st and 142nd streets. The city has surrounded it; its porches have been ripped off and its staircases rearranged. But you can still see, from the public rooms, gracious after all these travails, the high windows meant to catch whatever breaths might come off the Hudson and Harlem rivers. Nature's AC. **NR**

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WILLIAM F. BUCKLEY JR.

Trooplessness

NEW YORK, JUNE 4

It is now official. There will be a substantial redeployment of our standing military forces. There are several reasons for this, the most intriguing, that we are deploying not only soldiers and sailors, but also political clout. It made much sense over the Cold War years to administer NATO out of Brussels, and to house our major European force in Germany. But the centers of friction have moved eastward and southward, and changes are in order. The two divisions we have in Germany will be moving back to the U.S., we are told; naval headquarters now located in Britain will move to Italy, and an air-force wing might move to Turkey. Such redeployments have side effects which aren't fully predictable. But Donald Rumsfeld's continuing transformation of our military defense is sensible, and accommodates myriad pressures.

It was, throughout the Cold War, assumed that stationary and resolute military strength was required to deter the aggressive legions in Moscow. Since the Cold War's end, we have learned that rapid-deployment alternatives serve most foreseeable military challenges. And we learned last year that putative allies can be overcome by pressures very different from armies of invading Russians. In leaving Germany, we operate implicitly on the assumption that if the emergency arose, France and Germany could hustle together an army sufficient to deter an invasion from revanchist Luxembourg.

The call for smaller forces strategically placed and readily transported is fueled by a real manpower problem brought on, oddly enough, by the success of our military campaigns in Iraq, in 1991 and 2003. We accomplished our objectives using a trimmed-down military. We were facing, a dozen years ago, an oversubscription of volunteers. We moved to lessen the call of the military by trimming pay and benefits and entitlements. But we have gone so far in this as to choke down sharply the call to military careers, and right now we face a deficit of 10,000 in the army, 20,000 in the navy, and an unspecified number in the air force.

There are several approaches to the problem, the first being the restoration of pay and perks. But the cost of doing this would be huge, perhaps as high as $200 billion. A second is a dramatic reduction in our commitments: Is the $80+ billion committed to Iraq a genuine military expense? And the third way is the restoration of the draft, which would be a terrible forfeit in any general design to limit the role of government in human affairs.

A redistribution of responsibilities is appealing. Why did Kosovo—and Somalia—and indeed Iraq—emerge as U.S. burdens? The principal reason is that we are the superpower, and our resources are huge. But this plays into the thesis that the resources of others can't be counted upon proportionately. The future of the Mideast is at least as much a concern of Spain as it is of the U.S. But this does not add up to coordinated political responsibility.

The 18-year-old Americans whose attention was caught by the military in the 1980s are the fathers now of 18-year-olds who feel that their families were betrayed. Back then we had the GI Bill, veterans got 100 percent college education aid, and they and their families received lifelong health care. Salaries were competitive. Retirement pay came in at competitive age levels.

That is gone. Combine that with the absence of a sense of mission, which was the contribution of the Soviet Union's war against democracy, and we arrive at the present dilemma: How do we simultaneously reduce our overhead, and continue to attract volunteers to serve those needs we are left undertaking?

Senator Kerry appears to feel the need to say something different from what President Bush is saying and doing. His trouble is that what he has been saying is not very different from what you and I would come up with, reaching into a grab bag. So Kerry says we must adapt our forces to new missions. Uh huh. A feverish amount of attention needs to be given by Democratic and Republican political strategists in the weeks before they present their programs to the voters.

Did We Do War Crimes?

NEW YORK, JUNE 11

The high non-Reagan moment of last week came when Attorney General John Ashcroft contended with Sen. Edward Kennedy on the whole business of torture. Ashcroft was explaining something not terribly complicated, but it led to combat. Ashcroft had said that in denying to the congressional committee copies of the memos that had been sent in to advise the president on the matter of permissible conduct in war, he was not invoking executive privilege.

"What are you invoking?" Kennedy asked, causing much mirth and derision.

Ashcroft is not to be confused with Oliver Wendell Holmes when explaining legal quandaries. But his primary points were reasonable. They were that in the opinion of some legal analysts, the al-Qaeda captives were not entitled to the protections defined by the Geneva Convention. They are not members of an "army," therefore not "combatants" within the meaning of the Geneva protocols.

Now, all that does not instruct us on the moral question: Were we entitled to deal with the prisoners at Abu Ghraib in the way we did? The answer is clearly, No. But that answer carries a lot of freight, because there are people who are very anxious to prosecute the U.S. for war crimes. These people, it is fair to generalize, are less interested in war crimes than in prosecuting the U.S. for committing war crimes. The question of U.S. responsibility is political in its implications.

Arguing in favor of facing the question in the Hague, Jonathan Tepperman of *Foreign Affairs* reminds us that "legal principles can affect politics. If voters

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begin to believe that George W. Bush or Donald Rumsfeld is legally responsible for the torture, it could affect the president's chances in November." But if we do not agree to come on stage as defendants, we undermine the international case against war crimes.

Mr. Ashcroft didn't suggest he had authority to dispose of such questions, but he was firm in insisting that memos sent to the president on such issues as this have to be secure from legislative scrutiny, invoking not executive privilege, but the separation of powers. Without intending to condone such things as happened in Abu Ghraib, a counselor to the president might be asked to opine on what are the permissible standards of interrogation of al-Qaeda forces. It is easy to say that those standards should be obvious—they are deduced from the Bible, the *Areopagitica*, and the Department of Ethics at Harvard.

The best way to confront the question, How far can you go in interrogatory techniques? is to answer: It isn't possible categorically to say. At what point does constant exposure to light slide over from deprivation into torture? After 16 hours? 20 hours? 24 hours?

The movement now is to assign responsibility to a military official wearing more than the two stars of Maj. Gen. George Fay. If you want to bring in lieutenant generals and four-star generals and get answers from them, you have to have a full-blooded warrant from the president, and it is being sought.

The best evidence of the incongruity of Abu Ghraib with American standards is the universal revulsion felt by the American people when those photographs were published. But right now there are only seven soldiers being prosecuted, and the sense of it is that that does not go deeply enough. If what happened was odious, but what happened did so under the auspices of a well-organized military, then you scratch up against the lessons of Nuremberg, which held superiors responsible for misconduct by subordinates. And people are wanting to know what are the relevant jurisdictions, and what tribunals do we have in mind to convoke in order to satisfy ourselves—and the world—that America wants more than merely to punish the people who did it. We need to punish also the people who let it happen.

The Playground

NEW YORK, JUNE 15

EXCUSE me, sir. Are you Maureen's father?"

John Dickson looked over at the children playing on the school playground. He ducked, but the football grazed his questioner, bloodying his nose. "Can you use my handkerchief?" Dickson brought it out from his pocket.

"No thanks. I'll be okay. I'm a doctor, by the way." He extended his hand.

"If you mean her," Dickson pointed at the girl on the swing, "yes, that's Maureen Dickson, my daughter."

"Well, John—may I call you John?—you saw the newspapers this morning, the Supreme Court refusing to take my case against the school our kids attend."

"Yes, I read the whole story here"—he pulled the paper up from his bicycle bag. "You're mad because the Court refused to forbid the recitation of the pledge with the phrase, 'under God' in it."

"Yes. What I'm wondering is, would you be willing to enter the case as a plaintiff, since your little girl there, Maureen, has to recite the same pledge?"

"I forget. Why wouldn't the Supreme Court see your case through?"

"Because Sally—my daughter—can't be represented by me."

"Why not? You're the father."

"Well . . . I don't live with Sally's mother. And under the law, if the parents aren't married, the mother has legal rights, and her mother is—a Christian."

"You don't live with Sally's mother, you're divorced—"

"Actually, we were never married. By the way, I'm also a lawyer."

"And you're against the pledge of allegiance because it includes, 'under God'?"

"Right. None of that business of a state invoking God!"

"You took a pledge when you became a doctor?"

"Yes, of course, the Hippocratic oath, modern form."

"The Hippocratic oath has you saying you 'must not play at God.' Are you going to ask the Supreme Court to declare that oath unconstitutional?"

"Now wait a minute, Dickson, I just wanted to know if you would agree to serve as a plaintiff on behalf of your daughter, Maureen—"

"But I have to figure out what you're trying to do for your girl before I decide whether I want to help you." Dickson reached for the newspaper. "You said when interviewed after you presented your case that appearing before the Supreme Court had been a great experience but . . ."—he looked down at the text—"'But the experience of a lifetime is to love your kid and be with her.' But it isn't the Court that's keeping you from the experience of a lifetime. What's keeping you is you have yet to marry the mother."

"The fact I didn't marry Sandra has nothing to do with the pledge."

"But you're attempting to take the pledge of allegiance away from *all* the students at your daughter's school, and all students everywhere. And it says here that your wife—I mean, the mother of your child—is *in favor* of her little girl reciting the full pledge, and of course that California law gives her, not the absent-from-the-house father, standing in a court trial. Are you trying to get *that* law changed too? And while you're at it, Newdow, you intend to do something about the Hippocratic oath?"

"What about the Hippocratic oath?"

"The provision in it that says you mustn't play God."

"Who says I was trying to play God?"

"I say it. You impregnate a woman who gives birth to the child, you refuse to marry her or live with her, you protest the policies of the school the girl goes to, and you want to impose your values on the school. So that all the little boys in that school will grow up like you, a doctor who violates his Hippocratic oath, and refuses to live up to the responsibilities of a father? I call that playing God."

They both ducked, avoiding the speed ball that whizzed by.

—UNIVERSAL PRESS SYNDICATE

"Look, Kemosabe—I'm not your sidekick just because of some quota, *am I?"*

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happy warrior

MARK STEYN

Three Little Words

At dinner in Paris a couple of years ago, I was asked about "this American sickness with guns."

"Americans have guns," I said, "because a lot of Americans like having guns."

My host scoffed. "A lot of people here would like to have guns, too. But they don't."

"Exactly," I said.

The difference between America and most of the rest of the world can be summed up in three words: "We, the people." The Warsaw Pact had "people's republics," of course, but, when you call yourself a "people's republic," you aren't. Lots of political systems invoke "the people," but very few trust them enough to live by it. For four decades in the Middle East, the likes of the House of Saud and President Mubarak explicitly sold themselves to Washington as anti-democratic brakes on the uglier inclinations of their subjects. Their argument was: Okay, we're undemocratic, but believe me with a crowd like ours you wouldn't want democracy.

If it was ever a persuasive argument, it isn't now.

But that line isn't confined to Araby. It's standard in the new Europe, too—and not just at my elegant French dinner party. On June 13, the European Union concluded elections, and, though between the Baltic and the Irish Sea there were significant regional variations, the key trends were as follows: low turnout in some places, high turnout for "Euroskeptic" parties in others, and big anti-government votes *partout*. The division in Europe is between the twin forces of Apathy and Hostility. Nonetheless, five days later, the leaders of 25 nations huddled in a Gauloise-filled room and emerged with a "European constitution," a blueprint for a federal European state for which the election results of less than a week earlier had made plain they had no popular mandate.

To which my hosts in Paris would have shrugged: "So what?"

The principle underpinning the new Europe is exactly the same as that advanced by King Fahd and his thousands of princes—not "We, the people," but "We know better than the people." We know better than they do on guns and the death penalty and the euro and constitutional arrangements, and pretty much everything else, including election results. When 27 percent of Austrian voters were impertinent enough to cast their ballots for Jörg Haider's Freedom party, thereby earning the unlovely nationalists

He, the Persson

a place in the governing coalition, the EU punished them by imposing sanctions on the country. As the Swedish prime minister Goran Persson put it, "The program that is developing in Austria is not in line with [EU] values." In the new Europe, the will of the people is subordinate to the will of the Perssons.

One sympathizes with the Continental elites. Last time they let the will of the people loose, it gave them Nazism and Fascism, and militarism and genocide, all of which were hugely popular. So after the war the priority of Europe's governing class was to constrain the masses. In the current *Wilson Quarterly* (as in Woodrow), Prof. Jed Rubenfeld of Yale makes the case that it was America that essentially invented the means to contain European nationalism—by concocting "a new system of international law and multilateral governance." As Rubenfeld argues, "The internationalism and multilateralism we promoted were for the rest of the world, not for us."

There's a measure of truth in this. The paternalistic arrangements Washington promoted for post-war Europe would have been unacceptable at home in a republic founded on popular sovereignty. But therein lies the irony. Ever since Karl Marx sat in the Reading Room of the British Museum in London writing *Das Kapital*, all the most destructive anti-Western ideologies have been invented in the West. In the dining halls of agreeable Ivy League colleges, they fret about imposing Western values on the developing world but not a whit about imposing anti-Western values, all of which were developed in the West—from communism and fascism to subtler grievances like "neo-colonialism." Even Islamofascism is at core a traditional European-style political totalitarianism that's cannily exploited a structural weakness in Islam and taken it for a ride.

What's happening in Europe today is a refinement of Western anti-Westernism. A system of remote, unaccountable, post-nationalist, pan-continental institutions urged upon the Continent by America has become the principal vehicle for anti-Americanism. "A politically united Europe will be a stronger partner to advance common goals," insists Strobe Talbott. Tell it to Mr. Persson, the aforementioned Swede, who says the purpose of the European Union is that "it's one of the few institutions we can develop as a balance to U.S. world domination." Sweden was famously relaxed about Nazi world domination and Soviet world domination, but even in the chancelleries of Stockholm there comes a time when the threat is so unspeakable you have to get off the fence.

The EU is not a "balance to U.S. world domination." Indeed, it will have difficulty dominating its own backyard. The multilateral panaceas and U.S. security blanket imposed on Europe have led it to its present paradoxical state of militantly pacifistic anti-American moral equivalism. There are lessons here—alas, too late for Europe to learn, but not for America. **NR**

FREDERIC SIERAKOWSKI/EPA

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The Wealth of Indian Nations

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It is said that a rising tide raises all boats, but that has not been true for American Indians. Despite recent growth partly owing to gambling casinos built on reservations, per capita income for Native Americans living on reservations in 1999 was $7,846 compared to a U.S. average of $27,880. This puts reservation Indians on a par with the people in countries such as Palau or Oman.

Why does this bastion of poverty persist in a sea of wealth? One hypothesis is that Indian cultures are inimical to capitalism, but this is not supported by the facts. Supposedly Chief Seattle said in the 1850s: "How can you buy or sell the sky, the warmth of the land. . . . Every part of the Earth is sacred to my people." Never mind that these were not the words of the chief but were fabricated for a television program; this view does not fit the historical facts. From tepees to horses to land and water, pre-Columbian Indians established property rights described by one anthropologist as "naked possession." Even after being confined to reservations, "the tradition of individual ownership was so well established that Indians resisted government efforts to establish common property," says economist Leonard Carlson.

Another explanation for reservation poverty is that Native Americans lack high-quality natural resources. Many reservations, however, encompass hundreds of thousands of acres, including valuable natural resources. In the 1980s, for example, the Crow tribe had $27 billion worth of coal, more than $3 million per tribal member. Unfortunately, the asset earned a paltry 0.01 percent return—leaving 55 percent of tribal members on public assistance.

Physical capital and human capital are surely important to economic prosperity but are lacking on reservations because the institutions that govern Indian economies do not encourage investment. Indians cannot borrow money because their land, which is held in trust by the federal government, cannot be used as collateral and because tribal judicial systems may not consistently enforce contracts. Moreover, education rates lag behind the national average.

A growing number of studies show that **private property, a consistent rule of law, and a lack of burdensome governmental regulations are crucial for encouraging investment in the developing world, and the same holds for reservations**. Agricultural productivity on Indian lands is 30 to 90 percent less than on similar private lands. Furthermore, tribal judicial systems are noted for their biased decisions that discourage outsiders from contracting with tribes or individual Indians. Indeed, tribes that have relinquished their judicial authority to the states wherein they live have growth rates for 1989–1999 that average 20 percent more than tribes without equivalent state oversight.

Many believe that pulling Native Americans out of poverty can only be done with quick fixes such as federal aid and gambling, which are not sustainable solutions, especially for rural tribes. If American Indians are to escape poverty, they must abandon what former interior secretary James Watt called "bastions of socialism" and commit to a rule of law with secure property rights and market institutions.

—Terry L. Anderson and Dominic Parker

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